SLAVERY

AND

THE SLAVE TRADE

IN

BRITISH INDIA;

WITH NOTICES OF THE EXISTENCE OF THESE EVILS IN THE ISLANDS

OF

CEYLON, MALACCA, AND PENANG,

DRAWN FROM OFFICIAL DOCUMENTS.

"So I returned, and considered all the oppressions that are done under the sun: and behold the tears of such as were oppressed, and they had no comforter; and on the side of their oppressors there was Power; but they had no comforter."—Eccles. iv. 1.

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AND TO BE HAD AT THE OFFICE OF THE BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY, 27, NEW BROAD STREET.

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Price One Shilling.

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PREFATORY REMARKS.

The following series of papers on Slavery and the Slave Trade in British India were originally prepared for the columns of the *Morning Chronicle*, and intended as a reply to certain communications which had previously appeared in that journal of an opposite character. They are now presented to the reader in a pamphlet form for convenience of reference, and in the earnest hope that they may excite public attention to a subject deeply affecting the national honour, and the best interests of the human race.

The object of the writer, in drawing up these papers, was to present a true picture of Indian Slavery; to notice the measures which have either been proposed or adopted by the government, whether at home or in India, relative thereto; and to show the absolute necessity which exists for its immediate and entire abolition. He has aimed at accuracy and compression; and in every case has put it into the power of the reader to verify his statements and conclusions, by quoting his authorities, and by giving him the means of a more extensive and deliberate study of the whole question. Had he drawn upon his private sources of information, instead of confining himself to public and official documents, he might have darkened the shades of the picture, and have more completely developed its hideous character; but as slavery, however sanctioned or modified, is, in his deliberate judgment, not only a crime against human nature, but a sin against God, and ought, therefore, without hesitation or delay, to be abolished, he has been content to let the servants of the East India Company depict the monstrous system themselves. Their portraiture will, if he mistake not, excite the deepest compassion for the slave, and add another proof to the truth of holy writ, that "the dark places of the earth are full of the habitations of cruelty."

He is aware that a volume of apologies, more or less qualified by an avowed abhorrence of the evil, may be found in the parliamentary papers, from which he has chiefly collected his evidence; but, in no instance has he found its continuance justified on the ground of its being an affair of caste, or of its forming an essential part of the religious institutions of the people. Neither the Mahomedan nor the Hindoo law doctors contend for it on either of these grounds (Par. Pap. 138, 1839, pp. 319 to 322). That slavery is not an affair of caste will be apparent from the following statement of facts, (1) that persons of all castes, from the Brahmin to the Soodra may be enslaved. The acting criminal judge at Ahmedebad, Mr. Vibart, states it as within his knowledge, that "a great number of Hindoo children of ALL CASTES, are sold as slaves to Mahomedans" (*Ibid.* p. 449). The commissioner in the Deccan, Mr. Chaplin, after stating that the "Gosaynes are dealers in slaves," observes, that they procure them "either for the purpose of selling again, or of making cheles or disciples of them; such cheles are usually of the

caste *Poorbuee, Brahmins, Bukkals, Guzerattees, or Marattas*, though boys of inferior castes are sometimes surreptitiously foisted in amongst them" (*Ibid.* p. 435). Children of the *Gosanee, Mussulmanee,* and *Rajpoot* castes may be also found among the slaves of India (*Ibid.* p. 551). Not only may individuals of all castes be enslaved, but even those of the superior may become the slaves of the inferior castes. This is declared to be the fact by the *Moonsiffs* in answer to the question, "Can a person of superior caste become the slave of an inferior?" Their reply was as follows:—"Famine, or poverty may oblige a person of ANY caste to sell his freedom for food and clothing, to any one willing and able to purchase it, whether the member of a higher or a *lower caste* to himself" (*Ibid.* p. 444). (2) Slaves of all castes may be manumitted either by the beneficence of their owners, or by complying with the requisitions laid down in the Hindoo law, with the single exception of Brahmins who had become Sinasses, or religious mendicants, and afterwards apostatized from their profession,—these, it is said, can never be released from slavery (Par. Pap. 1828, E. I. Slavery, pp. 7, 8). The Hindoo does not lose caste by becoming a slave, any more than he forfeits it by becoming a free man. Slavery is not considered a crime, but a misfortune. As among the Mahomedans there are no castes, it is needless to say that the argument in no wise affects the question of slavery as prevalent among them.

The plea that slavery forms part of the religion of the natives of India, is less tenable than the assumption of its being connected with caste. In adverting to this point, Chief Justice Harington, observes, "It is true *the law and usage of slavery have no immediate connexion with religion*;" and adds, "So far we are not under the embarrassment" (in reference to its abolition), "which restricted us in proposing rules concerning the sacrifice of Hindoo widows on the funeral piles of their husbands" (Par. Pap. 138, 1839, p. 317), and Mr. Colebrooke informs us that "the manumission of slaves being deemed *an act of piety*, and an expiation of divers offences, frequently takes place from *religious motives*" (*Ibid.* p. 312.)

Driven from these grounds, the advocate for the continuance of Indian slavery pleads the sanction which has been given to it by British law. If a doubtful, and, as the writer of these pages believes, a forced interpretation of the Rule of 1793. which will be found discussed elsewhere, can be said to give a legal sanction to so iniquitous a system, then he rejoices in the fact that such a law is not irreversible, but that it can and undoubtedly will be repealed. The moral sense and the Christian principle of the people of England will never endure to be told that in any part of the British Empire, however remote, British law sanctions a system of gross impurity and cold-blooded cruelty. According to Mahomedan law the "rightful proprietor" . . . . . "may have connexion with his legal female slave, provided she has arrived at years of maturity, and the master or proprietor has not previously given her in marriage to another;" and that should he "have connexion with his female

slave before she has arrived at years of maturity, and if the female slave should in consequence be seriously injured (so that *uterque naturæ meatam in unameveat*), or should die, the ruling power may punish him by fazeer, ugoobut, hug-ool Illah (literally by the right of God, and meaning on principles of public justice) (*Ibid.* p. 311).

On this exposition of the law, Judge Richardson remarks:—"The obvious immorality, and the great impolicy and inhumanity of the licentious authority stated in this answer, requires no comment. The law-officer, although he has stated in part the truth, has not embraced the whole truth. The Islamite has power, by the Musselman law, of exercising with his female slaves licentious intercourse; at the mention of which modesty recedes with blushes, and humanity shrinks with horror!" Again, he observes: "If a master, excited by lust, unrestrained by shame, or by habit, shall have connexion with a female slave before she has arrived at the years of maturity, if the female should in consequence be severely injured or die—what is the consequence? The ruling power may punish him as before defined. Shall a British Government," he asks, "sanction so horrid a law?" Turn we to the Hindoo law:—"If a master, or any other person, by permission of the master, should cohabit with a slave-girl before she has arrived at the years of maturity, and this fact be proved, the ruling power may sentence such offender to pay a fine of fifty puns of kouries, but cannot emancipate the slave-girl!" (*East India Slavery*, p. 15). Can British law sanction the abominations implied in such a statement as this?

The Hindoo law, says Mr. Colebrooke, "makes no provision for the protection of the slave from the cruelty and ill-treatment of an unfeeling master; and the Mahomedan," he observes, "is restrained by no provisions of the law adapted to protect the slave from ill-treatment;" and that neither in the case of the injured Hindoo or Mahomedan slave is emancipation compulsory on the master, whatever may have been the amount of degradation and suffering endured. Does British law sanction such a state of things as this? If it does, on what ground can it be justified or tolerated for a single instant? (Par. Pap. 138, 1839, pp. 311, 321.)

But we may be told that in one respect at least, British law softens the rigour of the Mahomedan and Hindoo slave codes, viz., by taking away the right of the masters to put their slaves to death. True: but this is an innovation on the law we are bound, it seems, to maintain! The writer sincerely trusts that British law will innovate still further, until it not only guards the life, but completely protects the person, the property, and the liberty of every individual in British India. It may also be said, that the testimony of slaves is legal evidence in the courts of law in India, even against their masters. This also is an innovation on the law we are called upon to respect. But in reference to this point the writer would remark, in addition to what he has said elsewhere, that, whilst in law the slave is declared to be a competent witness, yet for want of a neces-

sary condition attached to the privilege, it really affords him no protection. Had the privilege been coupled with power on the part of the courts to which he might apply for the redress of grievances, to declare him free whenever such an act was required for his protection, it might have been of some service to him, though even then but few would dare encounter a master who had injured them, and who had power to injure them still further, if they failed in their proofs against him. "It is hardly necessary to remark," says Mr. Richardson, "on the degree of suffering that an illiterate, wretched, and desponding slave will submit to from his lord, whom from infancy, perhaps, he has been accustomed to look upon, with trembling anxiety, as the sole arbiter of his fate, upon whose pleasure all the little happiness, or rather the absence of misery, which he hopes to experience, entirely depends. Is it likely that a slave under such circumstances should dare to apply to the ruling power for redress?" This remark will apply with still greater force to female slaves shut up in the zenanas and harems of their voluptuous masters (*East India Slavery*, p. 16).

It is alleged, morever, that great danger to the stability of our Indian empire would arise from the abolition of slavery. No traces, however, of this alarm can be discovered in the multitudinous reports of the Company's officers in India. It is confined chiefly to Leadenhall Street. The rights of fathers and heads of families would not be interfered with except in so far as they infringed the liberty, purity, and happiness of their dependants. How stands the case? According to Mahomedan law only one class of slaves can be legally held in bondage, viz., infidels taken in war, and their descendants. All other slaves held by Musselmen are in bondage contrary to law, and are declared to be entitled to "immediate emancipation." With respect to such slaves as may be the concubines of their masters, they cannot be sold; and the children they may have by such connexions are declared free. In the case then of Mahomedans, there can be little doubt that if the letter and spirit of their own law were strictly applied, "of the many thousands of male and female slaves held (by them) in bondage in the Company's dominions, and subject to the grossest usage, prostitution, and every other depravity, under the pretence of slavery being sanctioned by Musselman law, not a single man or woman exists," in the opinion of Judge Richardson, "to whom the right of property, on the principle laid down by that law can possibly be established" (Par. Pap. 138, 1839, p. 321).

With respect to the Hindoos the case is somewhat different. Their law allows of fifteen classes of slaves, provided they have not "been stolen or inveigled away, and sold as slaves," or "reduced to slavery by compulsion." These are declared to be entitled to their freedom, together with all such as are the concubines of Hindoos, and have borne them children. Hindoos are the great holders of prædial slaves; and, with respect to them, probably there will not be two opinions as to the necessity of their immediate emancipation. The difficulty, if indeed it be one, would simply

have reference to the domestic slaves of Hindoos; and we are expressly told by Mr. Vibart, that "the higher and respectable class of Hindoos are in favour of abolition, on the ground that a great number of Hindoo children of all castes, are sold as slaves to Mahomedans; and consequently, are brought up in the Mahomedan faith:" and, he adds, that he does "not apprehend that the Mahomedans, amongst whom the practice is most prevalent, would offer any great objection to its being abolished." This may be equally true in other districts besides that of Ahmedabad (*Ibid.* p. 322).

The interesting fact alluded to by the late Lord Suffield, in a debate on the East India Charter Bill, in 1833, is another proof that the more liberal and intelligent natives of India are not opposed to the abolition of slavery. Four thousand Parsees, Hindoos, and Mahomedans, had presented a petition to the House of Commons, which, after expressing their approbation of the conduct of Sir Alexander Johnstone, in promoting the abolition of slavery in Ceylon (then thought to have been secured), concluded with these remarkable words:—"Illustrious legislators, benefactors of the human race, your persevering exertions to abolish the trade of slavery have spread the fame of your humanity over all the world!" Mr. Macaulay, then Secretary of the India Board, had previously assured the House of Commons that "the Board of Control had been in communication with some of the most able of the civil servants of the Company; and they all assure me," said that gentleman, "that they do not anticipate any danger from our endeavouring to get rid of slavery if proper cautions be used to prevent interference with the domestic habits of the people."

It may, perhaps, be desirable before we close these remarks, to notice a reason which has been alleged for the supineness and indifference both of the East India Company, and of its Government in India, in promoting the abolition of slavery in the countries and provinces over which its authority extends. A gentleman of great respectability and intelligence, but who is evidently very ill-informed on the law and practice of slavery in our eastern empire, in the course of his evidence before the Select Committee on East India produce, last year, stated, that the subject of slavery had "been discussed in India on several occasions, with a view to the abolition of it; but the conclusion always come to was, that it was not a practical grievance; and that by interfering with the relations between landlord and ryot in that form—for it is nothing more in fact, we should be meddling with a matter in which we should do no good, and might give general dissatisfaction" (Par. Pap. 527, 1840, p. 97). Whether slavery in British India be nothing more than Mr. Trevelyan represents it, the reader will judge on perusing the following pages; but, taking it for granted that his representation of the condition of this class of ryots be true, viz., that he "cannot leave his farm without the consent of his master, and that he must work for the benefit of his master," and that he is "transferable with the soil;" in point of fact, that he may be "sold with

the estates"—we would ask, why the system should not be abolished? But we submit as a reply, without admitting for one moment, the correctness of his statement of the mildness of the Indian system of slavery, the following observations of the Madras Board of Revenue, made forty years ago, when persons were found as now, to denominate it patriarchal. They say :—" Because no immediate measures are urgently called for, it does not follow, that—*the most useful, the most laborious, and one of the most numerous classes of our subjects in these territories, should, from generation to generation, continue the hereditary bondsmen of their masters,—incapable of inheriting property of their own,—deprived of that stimulus to industry which possession of property ever inspires ; and, because they are fed, clothed, and reconciled to their present condition, it does not follow that the Government should confirm institutions which doom those who have thus fallen into this condition, incapable of ever recovering their liberty, or of rising to a level with their fellow men!* Independently of those principles, hostile to any restraint on liberty, which are innate in every British government, and which, as contained in our judicial code, without any express enactment on the subject, have operated to check abuses of masters towards their slaves ; and, independently also of those feelings, among free men, which naturally prompt them to extend to every one under their government the blessings which freedom confers, it appears to the Board, on the mere calculating principle of self-interest and policy, to be desirable that no one should be deprived of the means of acquiring property, or of diffusing those benefits among society which proceed from an increase of capital and wealth" (Par. Pap. 1828, *East India Slavery*, p. 899).

As to other objections, they assimilate so closely to those formerly urged in defence of West India slavery, now happily abolished, that it would be a waste of time to do more than merely refer to them. They carry their refutation with them ; we, therefore, conclude these prefatory remarks in the eloquent language uttered by Mr. Macaulay, in 1833, when advocating the abolition of slavery in British India : " Come when it may, it will be the proudest day in the English History, when a great people, whom we found sunk in slavery and superstition, shall, under our rule, have been rendered capable of enjoying all the privileges of free citizens. This will indeed be the triumph of reason over barbarism, by establishing the imperishable empire of our arts, our morals, our literature, and our laws."

London, 1st May, 1841.

SLAVERY IN BRITISH INDIA.

No. I.

EXTENT OF SLAVERY IN BRITISH INDIA.

The fact that slavery exists to an enormous extent, and in forms which every humane and Christian mind must greatly deplore, in our Indian empire, admits of no doubt among those who have paid the slightest attention to the evidence furnished by the government on the subject.

As the question is one of growing interest and importance with the country, and as a great desire for information relative thereto is everywhere expressed, we propose to lay before our readers the sum of the evidence now before the public in the documents printed by order of parliament, and in the admirable and useful publications of William Adam, Esq., and the Rev. James Peggs; both of whom, by their long residence in India, and their habits of patient research, are well qualified to illustrate the extent and evils of slavery in that immense portion of our dominions.

No census of the slave-population of British India appears to have been ever taken. From the information, however, scattered through the parliamentary papers, which he has diligently and carefully examined, Mr. Peggs gives the following summary: viz.—

In Malabar	147,000
Canara, Coorg, Wynâd, Cochin, and Travancore	254,000
Tinnevelly	324,000
Trichinopoly	10,600
Arcot	20,000
Assam	11,300
Surat	3,000
Ceylon	27,397
Penang	3,000
	800,297

East India Slavery, pp. 83, 84.

In this enumeration Mr. Peggs has included the slaves found in some of the states governed by native princes or chieftains, under the authority and protection of the East India Company.

Mr. Adam states the number of slaves within the Company's territories, as far as he could ascertain it, to be as follows: viz.—

In Silhet and Buckergunge . . .	80,000
Behar	22,722
Tirhoot	11,061
Southern Mahratta Country . .	7,500
Arcot	20,000
Canara	80,000
Malabar and Wynâd . . .	100,000
	321,283

Law and Custom of Slavery in British India, p. 128.

But from this enumeration he excludes, not only the slaves in the provinces governed by native chiefs, and in some of the districts under the government of the Company, where it extensively prevails, but those also of the islands of Ceylon, Penang, and Malacca, amounting to at least 30,000 more.

Judge Baber, than whom no man was better qualified to give information on subjects connected with Indian slavery, in his evidence published in 1832, estimates the number of slaves in those districts in which he had been able to collect evidence, viz., the Dooab, or Southern Mahratta country, Canara, Malabar, Wynâd, Travancore, and Cochin, at about 400,000.—Par. Pap. No. 128, 1834, p. 42.

It is manifest, however, from a careful examination of the authorities quoted by these gentlemen, as well as of others to which they do not refer, that the highest computation given by either of them falls short of the actual number of slaves in British India, over whose destiny the Company has at this time unlimited authority and control.

After alluding to the existence of slavery in Dacca, Jelalpoor, Backergunge, Rungpoor, Dinajpoor, Purneah, Assam, Arracan, the Tenasserim provinces, the Mergui Archipelago, Boglipoor, Ramghur, Dehra Doon, Bellary, and Tanjore, of the number of slaves in which districts he could obtain no exact account, Mr. Adam concludes his able statement with this remark, that it is "highly probable that a thorough and faithful census would show that the number (of slaves in the Company's territories) does not fall short of ONE MILLION."

In further illustration of this point, and to show the extensive pre-

valence of slavery in one or other of its forms, in the different presidencies of Bengal, Bombay, and Madras, the following authoritative statements may be relied on.

Slavery in Bengal. Mr. Colebrook, in 1804, published *Remarks on the husbandry and internal commerce of Bengal*, in which we find the following admissions:—"Slavery, indeed, is not unknown in Bengal. *Throughout* some districts the labours of husbandry are executed chiefly by bond servants." In an official paper written by him in 1826, he is more specific; he observes, "We find domestic slavery *very general* among both Hindus and Mussulmans." * * * * * * "Every opulent person, every one raised above the condition of the simplest mediocrity, is provided with household slaves, and from this class chiefly are taken the concubines of Mussulmans and Hindus." * * * * * "In the lower provinces under this presidency," he further observes, "the employment of slaves in the labours of husbandry is nearly, if not entirely, unknown. In the upper provinces, beginning from western Behar and Benares, the petty landholders are aided in their husbandry by their slaves." Distinguishing "the serfs," who "pay rent and other dues for the lands which they till," &c. he says, "but those employed in husbandry by the inferior class of landholders are *strictly slaves;* and their condition differs from that of household slaves, only as the one is occupied in out-door work, and the other in the business of the interior of the house." He adds, "it may be stated, that slaves are neither so few (in Bengal) as to be of no consideration, nor so numerous as to constitute a notable proportion of the mass of the population."—Par. Pap., No. 138, 1839, p. 311.

Slavery in Bombay. In Mr. Chaplin's report, made in answer to queries addressed to the collectors of districts, he says, "Slavery in the Deccan is *very prevalent*, and we know that it has been recognized by the Hindu law, and by the custom of the country, from time immemorial." Mr. Baber gives more definite information of the number of slaves in one of the divisions of the Bombay territory, viz., that "lying between the rivers Kistna and Toongbutra," the slaves in which he estimates at 15,000; and in the southern Mahratta country, he observes, "All the Jagheerdars, Deshwars, Zemindars, principal Brahmins, and Sahookdars, retain slaves in their domestic establishments; in fact, in every Mahratta household of consequence, they are, both male and female, especially the latter, to be found, and indeed are considered to be indispensable."—Par. Pap. No. 128, 1834, p. 4.

Slavery in Madras. Mr. A. D. Campbell says, "In the territories under the Madras government, slaves are of two distinct descriptions; the one includes the great slave population, termed 'agrestic slaves,' or such as are usually employed in the field, though occasionally also in other labour. * * * * * The other description of slaves consists of those who may be termed domestic, from being employed only in the house itself. The class principally subjected to slavery in this presidency are the *Pariar*, all of whom are slaves" (Par. Pap. No. 128, 1834, p. 30). Hamilton says, "The Pariar are so numerous, that they have been computed at one-fifth of the whole population of India, south of the Krishna." The population thus alluded to is computed at 15,000,000: the Pariar, therefore, would amount to 3,000,000, all of whom, the same accurate writer, on the authority of Dr. Francis Buchanan, states to be slaves.—Vol. ii. pp. 6, 179. The domestic slaves in this as well as in the other presidencies, are exceedingly numerous. Mr. Baber describes them as "the descendants of outcaste persons, ... kidnapped persons of free-born castes," . . . . . of whom Mr. Brown says, "he would produce hundreds in every town in Malabar, there being few Moppilla (Mahomedan) and Christian houses in which there were not some of them; . . . . and the rest are described as persons, or their offspring, natives of Arabia, but chiefly of Abyssinia, called Wadawar, and Goolams;" and, it is added, "In all the great towns throughout Malabar and Canara, these descriptions of slaves are to be met with" (Par. Pap. 128—1834, p. 11).

If our space admitted, the incidental notices and official admissions of the Company's servants on this point might be here introduced, for the purpose of showing the strong probability there is, that the slave population of India must be reckoned by millions rather than by thousands; but we close with the statement of the Rev. Mr. Malcom, who has recently returned from an extensive tour of observation in Hindostan and other parts of the East, whither he had been sent, as the representative of one of the American missionary societies. That gentleman says, "The number of slaves in the Carnatic, Mysore, and Malabar, is said to be greater than in most other parts of India, and embraces nearly the whole of the Puncham Bundam caste. The whole number in British India has never been ascertained, but is supposed by the best informed persons I was able to consult to be, on an average, *at least* one in eight, that is about ten millions. Many consider them twice as numerous."—*Travels in Hindostan*, &c. Chambers's edition, p. 23.

The Puncham Bundam caste, alluded to by Mr. Malcom, or, as Dr. Francis Buchanan writes it, "The Panchum Bundum consists of four tribes, the Pariar, the Balaun, the Shecliar, and the Toti;" but "the most numerous class (of slaves) is composed of the different tribes of the Sudra caste." He further states, "The slaves are of different castes," and amongst them enumerates the "Vullam, Carracum, Erilay, &c.; a rude tribe called Malasir; the Poliar; and another rude tribe called Parian. They (the Pariar) are not designated," he observes, "*Churman* or slaves, but are in fact such, and belong to *Tamburans* or Lords, who give them daily subsistence; and exact daily labour in the same manner, and of the same kind, as is done with slaves. Another caste of Malayala condemned to slavery is called in the singular Catal, or Curumbal; and in the plural Catalun, or Curumbalun. They reckon themselves higher than the Churmun, Poliar, or Pariar." In the northern part of Tulava are two castes, called Bacadura, and Batadura, both of whom are slaves (*Adam's Law and Custom*, &c. pp. 255, 256, 259, 261, 262, 264). Mr. Baber adds to these "the Koorcher, Kooramer, Kadder, and Panier, in Wynâd; the Moola Cooramer, in the same district, who, though they acknowledge no superior, are so low in the scale of human beings as not to be suffered to touch the lowest of the slave castes; the Naiadee in Malabar, and the "Adiar" (Par. Pap. 128—1834, pp. 5, 12, 19). But slavery is not confined to these castes; for we find that all castes, from the Brahmin to the Soodra, may be enslaved. The Acting Criminal Judge at Ahmedabad, Mr. Vibart, informs us that, "a great number of Hindoo children of ALL CASTES, are sold as slaves to Mahomedans" (Par. Pap. 138, 1839, p. 449); and the *Moonsiffs* at Dharwar, Hoobley, and Noulgoond, in reply to the question, "Can a person of superior caste become the slave of an inferior?" observed, "Famine, or poverty, may oblige a person of *any* caste to sell his freedom for food and clothing, to any one willing and able to purchase it, whether the member of a higher or a lower caste than himself" (*Ibid.* p. 444). The former, however, appear to be the principal tribes or castes, who, to a greater or lesser extent, have been reduced to the condition of agrestic slavery. The inhabitants of Malabar are said to have been anciently considered *feræ naturæ;* and as such, to have been enslaved by Pureserama, for the benefit of the sacerdotal order, This, says Mr. Newman, the presiding judge at Tellicherry, "is the priestly tale by which so large a portion of the commons of Malabar are disfranchised even to slavery" (*Ibid.* p. 427).

But, whether the number of slaves in our Indian territories be few or many, the fact of any portion of British subjects being held and used as the property of their fellow subjects and fellow men is enough to warrant, and should call forth, the most vigorous and united efforts of the people of this country to secure their immediate and entire liberty.

Note.—For further information on the extent of slavery in India, consult Par. Pap. No. 128, 1834, and No. 138, 1839, and the authorities quoted by Adam's *Law and Custom of Slavery in India,* pp. 103 to 129 inclusive; and Peggs's *East India Slavery,* pp. 53 to 84 inclusive.

No. II.

LAW OF SLAVERY IN BRITISH INDIA.

Slavery in Hindostan is not sanctioned by British law, except in so far as it has been recognized as an institution by the various rules and regulations which have been issued by the supreme authority in India, from time to time, to mitigate or check it. It is, however, authorized by the Hindoo and the Mahomedan laws, as may be seen in the following extract from a minute on the subject by Mr. Colebrooke, inserted in parliamentary papers, No. 138, p. 311, 1839. He says:—"The Hindoo law fully recognizes slavery. It specifies in much detail the various modes by which a person becomes the slave of another, and which are reducible to the following heads: viz., capture in war; voluntary submission to slavery, for divers causes (as a pecuniary consideration, maintenance during a famine, &c.); involuntary, for the discharge of debt, or by way of punishment of specific offences; birth, as offspring of a female slave; gift, sale, or other transfer by a former owner; and sale or gift of their offspring by parents. *It treats the slave as the absolute property of his master, familiarly speaking of this species of property, in association with cattle, under the contemptuous designation of bipeds and quadrupeds. It makes no provision for the protection of the slave from the cruelty and ill-treatment of an unfeeling master, nor defines the master's powers over the person of his slave; neither prescribing distinct limits to that power, nor declaring it to extend to life or limb.* It allows to the slave no right of property, even of his own acquisition, unless by the indulgence of his master. It affords no opening for his redemption and emancipation (especially if he be a slave by birth or purchase), unless

by the voluntary manumission of him by his master; or in the special case of saving his master's life, when he may demand his freedom or the portion of a son; or in that of a female slave bearing issue to her master, when both she and her offspring are entitled to freedom, if he have not legitimate issue; or in the particular instances of persons enslaved for temporary causes (as debt, amerciament, cohabitation with a slave, and maintenance in consideration of servitude); or the cessation of the grounds of slavery by the discharge of the debt; or mutual discontinuance of the cohabitation, or relinquishment of the maintenance."

The Hindoo law recognizes fifteen different classes of male and female slaves, viz.:—" 1st. Girihgat, that is, one born of a female slave. 2nd. Kireet, that is, one bought for a price, either from the parents or from the former owner: 3rd, Lubdhi, that is, one received in donation: 4th, Dayado pagut, that is, one acquired by inheritance: 5th. Unakut bhirt, that is, one maintained or protected in famine: 6th. Aheet, that is, a slave pledged by his master: 7th. Bundus, that is, a distressed debtor, voluntarily engaged to serve his creditor for a stipulated period: 8th. Joodh puraput, that is, one taken captive in war: 9th. Punjeet, that is, won in a stake or gambling wager: 10th. Oofigut, that is, one offering himself in servitude, without any compensation in return: 11th. Purbburjeea busit, that is, a Brahmin relinquishing a state of religious mendicancy, which he had voluntarily assumed; an apostate mendicant, however, is the slave of the Rajah, or government only: 12th. Hrit kal, that is, stipulated, or one offering himself in servitude for a stipulated time: 13th. Bhuegul-das, that is, one offering himself in servitude for the sake of food: 14th. Birbar chirt, that is, one becoming a slave on condition of marriage with a slave girl: 15th. Atmu bikrita, that is, self sold, or one who has sold himself for a price" (*Ibid.* p. 321).

" The Mahomedan law equally acknowledges slavery, originating, however, in fewer sources, viz.:—capture of infidels in war; birth, as issue of a female slave; to which some authorities (who are chiefly followed) have added sale of their offspring by parents in a dearth or famine. *The property is so absolute and complete, that it is assigned as a reason for subjecting an owner to no worldly punishment or penalty for the murder of his slave; he has, of course, entire power over his person, being restrained by no provisions of the law adopted to protect the slave from ill-treatment.* Manumission cannot be exacted from the owner, unless in the case where, for some cause, the slave is already emancipated in part, in which case he is entitled to redeem

himself by emancipatory labour equivalent to the remaining portion of his value. In all other instances emancipation depends wholly on the will of the owner. But manumission of slaves is strongly recommended as a pious act, and the law leans much against the slavery of Mahomedans. A female slave bearing issue to her master does not acquire freedom, but gains other privileges, of which the chief is that of not being liable to be sold to another person. Her issue is free, and ranks with other illegitimate but acknowledged offspring of her master" (*Ibid.* p. 311.)

According to the most eminent Mahomedan law doctors, " All men are by nature free and independent; and no man can be a subject of property, except an infidel, inhabiting a country not under the power and control of the faithful. This right of possession which the Mooslims have over heurbees (i. e. infidels fighting against the faith), is acquired by isteela, which means the entire subduement of any subject of property by force of arms. The original right of property, therefore, which one man may possess over another is to be acquired solely by isteela (as defined above), and cannot be obtained in the first instance by purchase, donation, or heritage." Such slaves, and such only, " become legal subjects of property, and are transferable by gift, sale or inheritance."—" The same rules are applicable to slaves of both sexes." Children born of female slaves " by any other than by her legal lord and master, whether the father be a freeman or slave," are " subject to slavery," and " are called Khanazad, i. e. born in the family" (*Ibid.* pp. 319, 320).

It may be here observed, that the authority of Hindoo law in those parts of British India formerly under the dominion of the Mahomedans is not only questioned, but denied. By right of conquest their laws superseded those of the Hindoos. It may be further observed that the British government acquired its power of legislation from the Mussulmans; and, in its turn, has asserted its right, and bound the people of this country, as matter of duty, " to promote the interests and happiness of the native inhabitants of the British dominions in India, and has declared that such measures ought to be adopted as may tend to the introduction amongst them of useful knowledge, and of religious and moral improvement (vide 35 George III., cap. 155), provided that the free exercise of their religion be invariably maintained" (Parliamentary papers, p. 317, No. 138, 1839). If it be true that the Mahomedan has superseded the Hindoo law, and we see no reason to doubt it, then it follows that the slavery sanctioned by the Hindoo law has no legal existence, and that the slavery permitted

under the Mahomedan law may be legally abolished by this country, inasmuch as it is not a religious, but a civil institution. Indeed, so far from its being a religious institution, we have the best authority for saying, that the manumission of slaves is considered an act of piety and an expiation of divers offences by the natives of India, both Hindoo and Mahomedan (*Ibid.* p. 312). It would further appear, from the deliberate opinions of many eminent persons, that, if the Mahomedan law were construed strictly, and the letter, as well as the spirit of that law were rigidly enforced, an end would be put almost immediately to the system of slavery in British India.

We have said that slavery in India is not sanctioned by British law. Mr. Adam, however, thinks that the Hindoo and Mahomedan law of slavery, "with some modifications," is confirmed by it (Law and Practice of Slavery, &c., page 24); and such certainly appears to have been the general opinion entertained and acted upon by the government and judiciary in India. The opinion is grounded on the assumption, that the decision of the Sudder Dewanny Adawlut, the supreme court of civil judicature on all questions of native law, given in 1798, was the correct interpretation of the rule of 1793, which provided that "in suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered the general rules by which the judges are to form their decision." The question referred to the court was "concerning the succession or right of inheritance to a zemindary or other real property," according to native law, when it was determined "that the *spirit* of the rule for observing the Mahomedan and Hindoo laws was applicable to cases of SLAVERY, *though not included in the letter of it*," and this construction of the rule was subsequently confirmed by the governor-general in council, and is in full operation at the present day.

In the rule of 1793, passed by Lord Cornwallis, legal authority for the possession of slaves is withheld; the reason for which may, probably, be found in the fact, that, as far back as 1789, his lordship had notified to the Court of Directors that he had "a plan under consideration which he hoped to be able to execute without doing much injury to the private interests, or offering great violence to the feelings of the natives, and which had for its object the abolition of the practice (of slavery) under certain limitations; and the establishing some rules and regulations to alleviate, as much as possible, the misery of those unfortunate people during the time that they might

be retained in that wretched situation" (Parliamentary Papers, 1828, East India Slavery, p. 13). This plan his lordship either never matured, or else abandoned, for we find no after reference to it in official papers.

But to return to the rule of 1793, and the construction put upon it by the Sudder Dewanny Adawlut. We venture to assert, that, neither upon principles of general reasoning, nor of strict legal interpretation, can that construction be sustained. It is admitted by the late Chief Justice Harington, that, " the law and usage of slavery have no immediate connexion with religion" (Par. Pap. No. 138, 1839, p. 317). It is also clear that slavery is not *included in the letter of the rule*, in other words, it is not recognized, and certainly, not guaranteed, by that rule; therefore, when we consider that slavery required not the sanction of British law, on the ground of its being a religious institution, we conceive the silence of the rule on the subject ought to have been interpreted in favour of freedom, not against it. To say that the "spirit" of that rule sanctioned tyranny and oppression, the inseparable incidents of slavery, is monstrous, and would for ever prevent the benefits of British legislation from being enjoyed by a large portion of the native inhabitants of India, whose " interests and happiness," as we have before seen, we are bound to promote.

Whichever of these opinions may be correct, whether slavery in India be the creature of custom or of law—whether it be a civil or religious institution—whether it have the sanction of the Koran or the Shasters—the fact of its existence within any part of the territory subject to our control must determine its fate. Like its sister abominations, infanticide and suttee, it must be abolished, and be numbered amongst the things that were.

At various periods from 1798 to 1833, when the charter of the East India Company was renewed, various attempts have been made by eminent and distinguished persons in India to ameliorate the condition of the slaves, and to promote their emancipation, all of which proved, unhappily, unsuccessful. In 1808, Judge Richardson proposed " that the state of slavery throughout the British possessions should be determined by Mahomedan law, the British government having acquired the right of legislation from a Mussulman power, in previous possession of these territories for centuries; and having adopted the Mahomedan laws, particularly in all criminal cases, and indeed in all judicial cases, except those of heirship, marriage, caste, or matters connected with religion" (Par. Pap. No. 138, 1839, p. 316). This would at once have terminated slavery among the Hin-

doos, who had, previously to our occupation of the country, been subject to Moslem power, and to a very great extent among the Mahomedans themselves. In Mr. Harington, then chief justice, the worthy judge of Bundelcund met with a powerful opponent, and his scheme was rejected (*Ibid.* p. 317).

In 1816, Mr. Leycester, a circuit judge, made a report to the supreme court suggesting the abolition of slavery. On this the court of Nizamut Adawlut passed resolutions, under date the 12th of June, 1816, in which they state that "they fully participate in the sentiments expressed by Mr. Leycester in abhorrence of hereditary slavery, and earnestly wish it could be discontinued with regard to all children born under British protection. But, whilst it is allowed to remain with respect to the progeny of existing slaves born under the British government in the West Indies and South Africa, the abolition of it, on general principles of justice and humanity, could not, the court apprehend, be consistently proposed for India" (Adam's Law and Custom, &c., p. 202), and his propositions consequently fell to the ground.

In 1817, Chief Justice Harington, who had opposed Mr. Richardson, drafted a regulation "*for the guidance of Courts of Judicature in cases of slavery*," designed to prevent the enslavement of certain classes of the population, and "the mal-treatment, by emancipating the slave, in cases that appear to call for this measure, on grounds of justice and humanity;" it being, in his opinion, "indispensably necessary to prescribe rules for the guidance of magistrates and criminal courts in such instances" (Par. Pap. 138, 1839, p. 318). But even his very moderate suggestions were never attended to. It is but justice to this gentleman to say, that, although he had opposed the propositions of Mr. Richardson, he nevertheless recorded his opinion that "it is obviously repugnant to every principle of natural justice, and inconsistent with the common rights of mankind, that any person should be deprived of his personal freedom during the whole of his life, without his consent, and, without having committed any offence, be subject to so heavy a punishment" (*Ibid.* p. 318).

From the labours in behalf of suffering humanity of these eminent persons, who occupied high offices in the Bengal presidency, we now call attention to the zealous and unremitting efforts of Mr. Baber and other gentlemen in the presidency of Madras in the same noble cause. Mr. Baber exerted himself, for many years, not merely to put a stop to the "horrible traffic in human flesh, but for the amelioration of the slaves in general, by restraining their owners from selling them

out of the country, and from separating families; and also by making it compulsory on them to afford the slaves a suitable provision in food, clothes, and habitation, in sickness, or health, young, and old, at all times, and in all seasons" (Adam, p. 209, and Par. Pap. 128, 1834, pp. 1 to 28). But he failed to secure the assistance of his fellow civilians in his benevolent objects, or to make any impressions on his superiors. From 1823 to 1832, Mr. Baber says, "I have confined myself to occasional notices of the condition of the Malabar slaves, as often as my public attention has been drawn to the subject, but with little or no benefit to the unfortunate slaves, who continue the same reprobated people as ever" (Par. Pap. 128, 1834, p. 27).

The proposition of Mr. Campbell, sustained by the recommendations of the Madras board of revenue in 1819, suggested, among other things, "that the purchase of free persons as slaves should be illegal;" that "the children of all slaves born after a certain date should be free;" that "voluntary contracts to labour for a term of years, or for life, should bind the individual alone, and not his wife and children;" that "purchase of children to be brought up as prostitutes should be subjected to special penalties;" that "the local civil officers should have power to cause masters to provide wholesome food and decent clothing for their slaves, and to prevent their neglecting them in sickness, age, and infirmity;" that "all slaves attached to lands or estates escheating to government should be declared free;" that "the power of corporal punishment should be transferred from the masters to the local civil officers; and that slaves, on being ill-treated by their masters, should be allowed to claim the privilege of being sold to another; and that the breach of any of these rules by the master should, at the option of the slave, entitle him to liberty." These humane propositions, thus powerfully recommended, and sustained in whole or in part by such men as Mr. Baber and Mr. Græme, were merely ordered to be recorded, that is, laid on the shelf. "During the twenty-two years that I resided in India," says Mr. Campbell, "or since 1808, no material changes have taken place in the condition of the slaves in the territories subject to Madras;" and he adds, "the outcry raised in India against the suttee was long powerless, until it returned reverberated from the British shore; and that against slavery will continue disregarded, unless it receives support from all the energy of the home government" (Par. Pap. 128, 1834, pp. 35, 36).

Nor were there wanting, in the presidency of Bombay, men who sympathized with those already mentioned, in their efforts to raise the bondsmen of India to the condition of freemen, or to prevent freemen

from becoming slaves. In 1825 the Judge of Kaira, Mr. Williams, in a report to the secretary to the government, observed:—"I am of opinion the emancipation of all slaves throughout the territories under this presidency is very desirable. The possessors of slaves are mostly persons of property, and I believe in too many instances treat them with much severity" (Par. Pap. 138, 1839, p. 433). Mr. Norris thought "it is not worth while legislating on the subject of slavery, as it exists in India, except with the view of effecting its certain abolition at no very distant date." He therefore recommended the following enactments. "All persons born on the Bombay territories after the first of January 1826 to be free;" and "all slaves brought into the Bombay territories after the first of January to be free, after one year's continued residence in the said territories" (*Ibid.* p. 446). Mr. Baillie said "the sale or transfer of free-born subjects, in my opinion, in the Honourable Company's territories, should from henceforth (1825) be disallowed and discontinued" (*Ibid.* p. 448). Mr. Vibart, Judge at Ahmedabad, stated, "there exists no valid objections, at least in this part of the country, to the practice (of slavery) being entirely abolished;" and he adds, "I am persuaded, the total abolition of practice would be very acceptable to the higher and respectable class of Hindoos" (*Ibid.* p. 449). But none of these recommendations were were acceded to by the local government (*Ibid.* 457).

In this rapid sketch we have found it impossible to do justice to all of the company's servants who have strenuously and honourably exerted themselves to ameliorate the condition of slaves in British India, with a view to their ultimate emancipation. Those, however, to whom we have referred effected comparatively nothing. Ridiculed by some, and opposed by others, of their fellow civilians, their valuable suggestions were either allowed to slumber in silence in the offices of the supreme government, or were brought to light merely for the purpose of being formally condemned and abandoned. And this state of things continued until the year 1833, when the government of Earl Grey, with a resolution and magnanimity which did it the greatest honour, determined to strike at the root of the monstrous evil—in other words, to abolish it. Justice to the natives of India formed the basis of the bill introduced by Mr. Grant (now Lord Glenelg) to the attention of the House of Commons for the renewal of the company's charter, and was thus announced to the chairman of that body:—"No person, native or natural, born in India, is to be excluded from any office merely by reason of his religion, birth-place, descent, or colour;"

and "slavery, after a specified period, to be abolished." The period fixed in the bill for its complete extinction was the 12th of April, 1837. But the strenuous opposition of the honourable directors, aided by the influence of certain noble lords in the upper house, defeated the wise and humane intentions of government, and slavery, unmitigated and unchecked, has been allowed to continue to the present day. Will not the present government honour itself, and add to its other claims on public respect and gratitude, by extinguishing this great evil in every part of the British dominions?

Note.—For an authoritative exposition of the Hindoo and Mahomedan law of slavery, consult Par. Pap. No. 138, 1839, pp. 319 to 322 inclusive; and Adam's Law and Custom of Slavery in British India, pp. 1 to 51 inclusive. For attempts to ameliorate the condition of slaves, and promote the abolition of slavery in India, the inquirer is referred to Par. Pap. 128, 1834, to Adam's Law and Custom, &c., pp. 195 to 279; and Peggs's East India Slavery, pp. 84 to 111.

No. III.

CONDITION OF SLAVES IN BRITISH INDIA.

If we may credit those who have reported on the subject, the condition of the slaves in British India is not only bearable, but enviable, as compared with that of multitudes who call themselves freemen. The system under which they are held is denominated patriarchal; their treatment is said to be mild and gentle; and it is affirmed, that no comparison whatever can be instituted between their circumstances and those of the late bondsmen in the West India colonies. "Turning," says Mr. Colebrooke, "from law to practice, we find domestic slavery very general among Hindoos and Mussulmans. More trusty than hired servants, slaves are almost exclusively employed in the interior of the house for attendance on the members of the family, and in all the most confidential services. Every opulent person, every one raised above the condition of the simplest mediocrity, is provided with household slaves, and from this class chiefly are taken the concubines of Mussulmans and Hindoos, in regard to whom it is to be remembered, that concubinage is not among people of those religions an immoral state, but a relation which both law and custom recognize without reprehension; and its prevalence is liable only to the same objection as polygamy, with which it has a near and almost necessary connexion." . . . . "I trust not to be considered an advocate for slavery, nor indifferent to the miseries incident to the

most degraded condition in human society, when I observe that, in this country, slaves are in general treated with gentleness and indulgence. I should, however, demonstrate only an ill acquaintance with human character, if I affirmed this to prevail universally, without any exception. I cannot doubt that bad temper and disposition sometimes constitute a harsh, severe, and even cruel master; nor have I been without occasion of being convinced that such characters are to be found amongst the owners of slaves." This gentleman, therefore, deprecated the agitation of the subject of slavery, and was opposed to any decided measures to put it down. He conceived there was "no occasion for abolishing slavery, or for preventing enslavement, or for prohibiting the sale of actual slaves within the limits of British territories in India"! (Par. Pap. 138, 1839, pp. 313, 314). His remarks, however, had reference, almost exclusively, to domestic slaves in the Presidency of Bengal.

There are others, more observant than Mr. Colebrooke appears to have been, who bring us better acquainted with the system of Indian slavery, both prædial and domestic, and to their testimony we now call attention.

CONDITION OF PRÆDIAL SLAVES.

"Nothing can be more abject and wretched," says Mr. Baber, "than the condition of that degraded race of mortals, the slaves of Malabar, *whose huts are little better than mere baskets, and whose diminutive stature and squalid appearance evidently show a want of adequate nourishment*" (Par. Pap. 128, 1834, pp. 7, 27).

"The slave," says Mr. Græme, in his report on Malabar, 1822, "has his *sieve of a hut* in the centre of the rice lands; but, on the coast at least he is an industrious, and not an unintelligent being, in good condition, and nothing deficient in bodily frame. In the interior, *he is a wretched, half-starved, diminutive creature, stinted in his food, and exposed to the inclemencies of the weather; whose state demands that commiseration and melioration which may confidently be expected from the humanity of the British government*" (*Ibid.* p. 23).

Mr. Campbell, in reply to the questions on slavery proposed by the Board of Control in 1832, states, "The creatures in human form who constitute, to the number of 100,000, the agrestic slave population of Malabar, being distinguishable, like the savage tribes still to be found in some of the forests of Arabia, from the rest of the human race, *by their degraded, diminutive, squalid appearance, their dropsical pot bellies, contrasting horridly with their skeleton arms and legs, half-starved, hardly clothed, and in a condition scarcely superior to the cattle they follow at the plough*" (*Ibid.* p. 33).

In answer to the same queries, the Rev. Joseph Fenn observed, "They present a wretched appearance to the beholder." . . . . "The slaves are in the lowest possible state of degradation." . . "If it were lawful," he adds, "to speak so of fellow-creatures, possessing the same capabilities and the same destinies as British Christians, I should say they were WILD MEN" (*Ibid.* p. 3).

These gentlemen refer to the general condition of the agrestic slaves in the western peninsula of India. From their evidence and that of other persons of high reputation, in answer to queries submitted to them by the commissioners for the affairs of India in 1832, we learn that "husbands and wives are separated by sale to different parties" (Fenn). "That they are sold off the estates where they were born and bred." . . . . "And the nearest and dearest associations and ties of our common nature severed" (Baber). That they are sold "in satisfaction of revenue arrears," or, "when proprietors are in want of cash to pay the revenues" (Baber). That "slaves can be and are sold at pleasure" (Welsh). That "the sale of agrestic slaves is common" (Campbell). The effect of this is described by the Foujdaree Adawlut, in an extract from its proceedings dated 20th July, 1829:—"In Malabar, where the slave is often sold separately from the land, civilization is checked by the infraction of those feelings, the cultivation of which principally tends to raise human nature. He is dragged from the field which he is accustomed to till, from all the connexions of blood and affection, and his diminutive size, stinted growth, and squalid appearance, present the picture of the degraded being which he feels he is" (Par. Pap. 138, 183, p. 404). "No progress in arts or science can be expected," says Mr. Richardson, the judge of Bundlecund, "from unhappy beings whose daily reflections press their forlorn condition on their thoughts. The rudest cultivation of the earth is performed with reluctance, by wretches whose miseries know no end, but in the moments of repose." . . . . They fear to enter "into the marriage-state, having no protection or security that their dearest and most tender connexions will not be set at nought by the capricious lust of pampered power" (East India Papers, 1828, pp. 298—300). The children of female slaves, recognized by the Mohammedan and Hindoo laws as the absolute property of their owners, are considered by those laws to inherit the condition of their mothers, and, consequently, to be slaves for life, unless the acknowledged offspring of their owner, in which case both the mother and child are entitled to freedom. Thus are they regarded and treated as mere articles of property (Par. Pap. 138, 1839, p. 318).

Food. With respect to food we gather the following particulars: "The daily allowance of slaves varies from one and a half to one and three-quarters seers of paddy (rice in the husk) to the male; and from one to one and a quarter to the female slave." The "daily wages of a freeman are about one-third more;" *but then he works only till noon*, whereas the slave has to toil from morning until evening, "and to keep watch by turns at night in the paddy field" (Baber). "The food, clothing, and comforts of the agrestic slaves are everywhere inferior to those of the domestic one" (Campbell). "The general condition of the agrestic slaves is bad everywhere. They enjoy little comfort, have coarse, precarious, and scanty food (Dr. Buchanan states not more than 'two-sevenths of what is a reasonable quantity'), bad clothing, frequently none at all, and no provision, that ever I could learn, for old age or sickness. The domestic slaves are for the most part better off, but still *subject to the despotic will of their owners, in everything short of life*" (Welsh). In the Tamil country, "some of them who are outcasts possess also a right to all the cattle that die from disease; and they eat the flesh of such animals, as well as that of snakes and other reptiles; but in general their food is the coarsest grain" (Campbell). In times of scarcity, "they are left to eke out a miserable existence by feeding upon wild yams, and such refuse as would be sought after by that extreme wretchedness which envied the husks that the swine did eat" (Baber).

In Mr. Græme's report on Malabar, we find "The allowance made to slaves in the different districts, contrasted with what a free labourer gets, is as follows:" viz.,

	Daily allowance of Paddy for			Daily allowance of Paddy for a Free Labourer.
	A Male Slave.	A Fem. Slave.	Total.	
	M. Seer.	M. Seer.	M. Seer.	M. Seer.
Calicut	1½	1	2½	2½
Betutnad	1	1½	2½	2
Chowghaut	1¾	1¼	3	2½
Temelpoor	1¾	1¼	3	2½
Polghaut	1¾	1¼	3	2½
Waloovanad	1¾	1	2¾	2¼
Ernad	1¾	1	2¾	2¼
Nidoonganad	1¾	1	2¾	2¼
Shermad	1½	1	2½	2
Koorumbund	1½	1	2½	2
Cavay	1¾	1	2¾	2½
Cherikul	1¾	1	2¾	2½
Hartnad	1½	1	2½	2
Kotiote	1½	1	2½	2¾
Tellicherry	1½	1	2½	2¼

This table Mr. Brown pronounces to be substantially correct (Par. Pap. 138, 1839, p. 423). Thus it will be seen that the free labourer in Malabar obtains nearly as much food in return for work which he finishes at noon, as a male and female together are allowed for their long-continued and unremitted toil.

Clothing.—In reference to their clothing, we find that "there is a custom of giving them a cloth occasionally, the only clothing they wear" (Fenn). That "the allowance consists of a waist-cloth, called moond, to men; and moori, signifying a fragment, to females; it is just large enough to wrap round their loins, and is of the value of one or two fanams, equal to from 6d. to 1s.; in some districts this is given but once a year, but more generally twice." . . . . "As a substitute for these waistcloths, it is very common, especially in the retired parts of the country, to use or wear bunches of leaves, generally of the wild plantain tree, supported by a fibre of some tree or vine" (Baber). Dr. Buchanan states that some are even destitute of this species of clothing, so great is their degradation (*Law and Custom*, &c. p. 264).

Shelter.—Their habitations are most wretched. "They erect for themselves," says Dr. Buchanan, "small huts that are little better than mere baskets." "The slave alone," says Mr. Græme, "has a sieve of a hut in the centre of the rice fields." In the sheds erected for cattle "the slaves are permitted to dwell when the crop is not on the ground; for these poor creatures are considered as too impure to be permitted to approach the house of their devaru or lord" (*Adam's Law and Custom*, p. 258). "With respect to their dwellings," says Mr. Baber, "so very impure are all castes of slaves held, that they are obliged to erect their chala or huts at a distance from all other habitations; neither are they allowed to approach, except within certain prescribed distances, the houses or persons of any of the free castes" (Par. Pap. 128, 1834, pp. 9, 23).

Medical Attendance.—In old age and sickness the slaves appear to be utterly neglected. "I am not aware of any provision for old age or sickness" (Fenn). "They enjoy no provision, that ever I could learn, for old age or sickness" (Welsh). "Sickness among them causes no additional attention on the part of the proprietors, who frequently lose many of their slaves when an epidemic gets among them" (Bevan).

Labour.—The labour exacted from them is onerous and oppressive. "They are employed in all kinds of agricultural labour, rice tillage, and the sugar cane" (Fenn), "without the intermission of a

single day, so long as their masters can find employment for them" (Baber). "They have no particular hours which they can call their own, nor any day in the week set apart for rest or devotion" (Welsh). "In the Tamil country the men are employed in ploughing the land and sowing the seed, and on all the various laborious works necessary for the irrigation of the land upon which rice is grown; the women in transplanting the rice plants, and both in reaping the crop." . . "They usually work from sunrise to sunset, with an intermission of two hours for meals. They are not exempted from work on any particular day of the week" (Campbell). "The slave has to toil from morning till evening; after which he has to keep watch by turns at night, in sheds erected on an open platform in the centre of the paddy field, several feet under water, exposed to the inclemency of the weather, to scare away trespassing cattle or wild animals" (Baber). Besides their ordinary agricultural employments, these slaves are also often engaged in erecting temporary rooms, or pandols, used by their masters on marriages or other festivals, and occasionally are called upon, by requisition of the collector or magistrate issued to their masters, to aid in stopping any sudden breach in the great works of irrigation conducted at the expense of government, or in dragging the enormous cars of the idols round the villages or temples, to move which immense cables, dragged by many thousands, are necessary. In Tanjore, in particular, from the great number of temples and the frequency of the festivals, this is a very onerous duty" (Campbell). "I have observed the slaves in gangs, when they have been pressed to make or repair the high roads, to carry the luggage of public servants and their establishments, of marching regiments and of travellers; or when carrying treasure, remittances from the several talook-cutcheries to the collector's treasury at Calicut (and scarcely a week passes, that parties of ten to one hundred of those slaves do not arrive); or, when bringing stolen goods with parties of robbers sent in by the different police officers; or when carrying the Company's tobacco from the several depôts for sale to the talook and revenue cutcheries; on all which occasions they are guarded by kolkars (armed peons), or choorabakar (persons with canes), to prevent their running away; and it must be confessed, that it is no less a source of complaint to the masters, than grievance to their slaves, to be so worked" (Baber).

Punishments.—The discipline required under such circumstances, to coerce labour and enforce obedience to the will of the master must be necessarily severe; we therefore find that, if slaves either

refuse to work, or run away, they are, on being caught, "flogged and put in the stocks for some days, and afterwards made to work with chains on" (Baber). "Moreover, there is hardly a sessions of gaol delivery, the calendars of which (*though a vast number of crimes occurring are never reported)* do not contain cases of wounding and even murdering slaves, chiefly brought to light by the efforts of the police, though, generally speaking, they (the slaves) are the most enduring, unresisting, and unoffending classes of the people" (Baber). "The lash, or at least coercive strokes, are, I fear, too commonly used, and indiscriminately to both sexes" (Welsh). "The practice of slitting, and even cutting off the noses of slaves was formerly, and is said even now to prevail" (Baber). As "corporal punishment prevails much in India" (Fenn), and as the use of the lash has been recognized by the Sudder Foujdary court in Malabar as a legal punishment for slaves, it will not be difficult to imagine the torture to which they may sometimes be put in exacting compulsory toil (Par. Pap. 128, 1838, pp. 9, 10, 13, 20, 32, &c.).

The moral and social, as well as the physical degradation of these wretched beings is complete. Sunk in the grossest superstition, their principal worship is offered to "Boot, the devil" (Baber). "The slaves profess generally either the Mohammedan or Hindoo religion, with a small portion of Christians; but, as far as mortal can judge, their religion consists chiefly in outward observances; their morals being, like their persons, most wretchedly debased" (Welsh). "On the western coast I fear it will be found that the slaves generally propitiate the evil spirit alone, and many of them are believed to practise sorcery" (Campbell). Two or three facts will illustrate their social degradation. They are "compelled," says Mr. Brown, "whenever they come in sight of a habitation, to fly from the public high road, and make a long circuit to avoid the remotest approach; forced to utter a cry, to give warning to others that a human being, not a dog, was coming; and driven, whenever their cry was answered, to hide themselves in the jungle. Thus it is that the right of public way, which is freely conceded to every beast of the field, is denied to a whole class of human beings. . . . . . The unhappy Pooliar," it is added, "is in a condition which ranks him beneath the lowest brute, and his state is without a parallel in the annals of human abjectness and degradation" (Par. Pap. 138, 1839, p. 413). And Dr. Buchanan, who travelled extensively in Malabar, Canara, and Mysore, states, that "they follow all the oxen and buffaloes of the village, *as so much live stock*, when these are

driven in procession at a great festival which the farmers annually celebrate" (*Adam's Law and Custom*, &c. p. 264). Mr. Newnham, first Judge of Circuit, western division, Madras, in alluding to a certain legal process which came before him, expressed his repugnance "at a demand made in a civil suit of twenty Mooluminshers, value fifty pagodas, without individual specification, immediately followed by a like summary demand for brute animals;" and "at the practice of thus suing, without name or individual description, for so many sentient creatures of God" (Par. Pap. 138—1839, p. 405). In another communication, he speaks of them "as having been claimed as *feræ naturæ*, that became the property of the owner of the ground on which they, by becoming resident, can be taken into bondage (*Ibid.* p. 427). "The slaves," says the Rev. Mr. Fenn, "are in the lowest possible state of degradation," . . . . and "nothing," he adds, "but Christianity, in my opinion, descends low enough to meet them, and to raise them to the level of mankind" (Par. Pap. 128—1834, p. 3). The foregoing extracts chiefly refer to the condition and general treatment of prædial slaves in the western peninsula of India.

CONDITION OF DOMESTICS AND DANCING GIRLS.

Domestics.—The domestic slaves, those of them who become the favourites of their masters, are treated with greater leniency. "They are well fed," and "well clothed." Such, however, is not the lot of the female domestic slaves employed as attendants in the seraglios of Mussulmans of rank; they are too often treated with caprice, and frequently punished with much cruelty. . . . . The complaints made to me as superintendent of police at Madras, gave me an insight into transactions committed in the recesses of the female apartments, which has left on my mind a strong impression of the cruelty and wanton barbarity with which this class of female slaves is subject to be treated; indeed, *little doubt can be entertained that the seclusion of female slaves in the harems of Mussulmans of rank, too often precludes complaint, prevents redress, and cloaks crimes at which Europeans would shudder*" (Campbell). Occasionally these victims of a ruthless oppression escape from their tormentors, "bearing on their persons the scars and wounds which have been inflicted on them; and sometimes providentially, by the merest accident, their murder has come to the knowledge of the police" (*Ibid.* pp. 10, 20, 32). Several atrocious cases of the barbarous treatment of female slaves, not inserted in the parliamentary papers, have come before

the courts in Calcutta, the details of which should have been given had our limits permitted their insertion; but as the nature of these cases should be known, we give the substance of two of them. On Tuesday, the 11th July, 1837, there was brought to the police office, Calcutta, a slave girl, about eight years of age, in a state that beggared all description. Her bones were through the flesh, her hands about the wrist smashed, and pieces of flesh cut off them; about her shoulders there were large holes evidently burnt with coals; and her sides were lacerated; there was a deep wound on her head, and she seemed to be in a dying state. She was immediately sent to the police hospital, where she died next day. This atrocious cruelty was perpetrated by a Mogul lady, named Bauljee, the wife of a Mogul merchant of respectability, on account of the child having drunk some vinegar and sugar which had been prepared for her mistress. It seems the wounds were inflicted with an iron pestle and with a chopper about nine days before, and the child sent to Colingah for concealment; but growing worse, she was ordered to be taken to Chinsurah. A Sydee boy, belonging to the family, having witnessed the transaction, instead of taking her to the place appointed, brought her to the police office. At the coroner's inquest the police surgeon, after describing various small wounds on different parts of the unfortunate child's person, deposed that "the backs of both hands were entirely bare of the integuments, with the tendons and the muscles exposed.". . . . "On the right hip an ulcer measuring about an inch and a half in circumference." . . . "The puffy tumours on the forehead measured four inches in circumference, and contained some thin dark pus." In concluding his evidence, he said, "I consider the death to have been occasioned by the sloughing of the integuments and the sloughing ulcers. I entertain no doubt the ulcers might have been produced by bruises or burning." The assistant deposed that, when brought to the hospital, "the integuments of the back of each hand, from the knuckles to the wrist, were in a state of mortification." Belaul, the eunuch, was present at the times when the injuries were inflicted on the girl, and deposed that they were occasioned by an iron pestle, a chopper, and with a piece of wood; that he was ordered to take her to Chinsurah, but he stopped the palankeen when they got opposite the police office, and on showing Roheemun to Mr. Mac Cann, "the bearers and servants fled." Bauljee was tried for the murder of the slave girl, was shown every possible indulgence by the court, and was acquitted. Had we given the details of this trial, we should have felt it to be our duty to com-

ment with severity on the proceedings of the court, as anything more un-English or better calculated to defeat the ends of justice, could scarcely have been contrived. The number of slaves possessed by the Mogul merchant was nine.

The next case was also one of murder. It appears that a nose-ring had been lost, and suspicion having rested on a slave girl, named Masumat Basanti, she was repeatedly beaten with a brick, and the stalk of the leaf of the palm tree, *on and about the joints,* and lastly a stick * . . . . when she told them to do as they pleased, as they would not have an opportunity of doing so next day. All this torture was inflicted by the order, and in the presence of Hosani K'hanam, the mistress. Early next morning Basanti was found with her throat cut, and a knife in her hand, but still alive, when the K'hanam, and her son, Mahummad Hosein, and Jango K'hansaman consulted what was to be done, and it was resolved to destroy her. Four slaves, Chunia, Delawar, Bara Sabza, and Amina, were compelled to do this by standing on and pressing down her chest, throat, and belly. In the evening she was buried, Jango and another person having dug the grave.

Hosani K'hanam, Mahummad Hosein, Jango Khansaman, Chunia, Delawar, Bara Sabza, and Amina were tried on the charge of "ill-treatment and murder of the slave girl, Basanti, aged 31, and concealing her unnatural death;" but were acquitted of the capital offence. Hosani K'hanam was, however, convicted of causing or countenancing the ill-treatment of Basanti, and sentenced to pay a fine of Co. Rs. 1000, or to be imprisoned one year. Mahummad Hosein and Jango K'hansaman on violent presumption of concealing the unnatural death of Basanti, and were sentenced, the former to pay Rs. 200, or to be imprisoned six months, and the latter to Rs. 50, or to be imprisoned three months. The four slaves were acquitted on the ground that "*considering their state of slavery, they appear to have acted under compulsion!*" This decision of the Nizamut Adawlut (Criminal Court) was given on the 7th of July, 1840. This murder, like the former, was denounced by a slave belonging to the establishment, on account of a child of his, claimed as the property of his mistress, having been taken by her order from the care of his sister, with whom he had placed it. The number of female slaves belonging to the husband of Hosani K'hanam was thirty. How many male slaves he possessed does not appear.

* Too offensive and indelicate to describe.

By the acquittal of the foregoing slaves, we are reminded of a remarkable statement of Mr. Hamilton's, respecting the slave population of Rhamgur, in the presidency of Bengal. He says, "Theft is common throughout Rhamgur; but murder more prevalent among a particular class, which are the slaves possessed by chiefs, inhabiting the mountainous and inaccessible interior, and of savage and ferocious habits. When petty disputes occur, these slaves are compelled by their masters to perpetrate any enormity, and more especially employed for purposes of assassination. Any hesitation or symptom of repugnance on the part of the slave is attended with instant death, which is equally his fate should he fail in the attempt. On the other hand, if he succeed he is sought out by the officers of government, and executed as a murderer. The usual police has hitherto been unable to seize the cowardly instigator, and if recourse be had to a military force, he retires to the jungles. Neither do the slaves attach the slightest idea of guilt to the murders they are thus delegated to commit; on the contrary, when taken they invariably confess, and appear to expect applause for having done their duty" (East India Gazetteer, vol. ii. p. 452).

Dancing Girls.—There are two classes of this degraded race of beings—those who belong to the owners "of sets of dancing women, who buy female children, and instruct them for public exhibition, and who, when they grow up, become courtezans;" (Par. Pap. 138, 1839, p. 312). and those who are employed in the obscene and idolatrous worship of the temples. Of the former Sir John Malcolm gives a painful description, in his remarks on the state of slavery in Malwa. He says, "The dancing women, who are all slaves, are condemned to a life of toil and vice, for the profit of others, and some of the first Rajpoot chiefs and zemindars in Malwa, have from 50 to 200 female slaves in their family. After employing them in the menial labours of their house during the day, they send them at night to their own dwellings, where they are at liberty to form such connexions as they please; but a large share of the profits of that promiscuous intercourse, into which they fall, is annually exacted by their masters, who add any children they have to their list of slaves. The female slaves in this condition, as well as those of the dancing sets, are not permitted to marry, and are often very harshly treated; so that the latter, from this cause, and the connexions they form, are constantly in the habit of running away" (Par. Pap. 1828. East India Slavery, pp. 415, 416). Mr. Richardson, in alluding to the same revolting subject, observes:—"If anything can add to the horror which the idea of

slavery raises in every human breast, it is the reflection that, by the Mussulman law respecting female slaves, the master is not only legal lord of their persons for purposes of laborious services, but for sensual gratification; even such as his unnatural passions may impel his brutality to indulge. It is not less shocking to reflect that women, who have spent their youth and worn out their persons in the grossest debauchery, when their faded beauty no longer produces their wonted luxuries, and even their former paramours in guilt turn from them with disgust, purchase female children for the avowed purpose of the most licentious life. These females, were such injurious practices prevented by *the abolition of all slavery*, would become useful members to the community, and add to the prosperity of the state" (*Ibid.* pp. 298. 300).

Of the latter class, Judge Lascelles gives the following melancholy account:—" Their situation," he remarks, " is by far the most objectionable, combining as it does every attendant on the very worst description of slavery. Initiated in early youth into the mysteries of their profession, and immured within the walls of the pagoda, they are taught, as the first and chief lesson, to consider an implicit and blind obedience to the will of the Brahmin as their highest duty! and their obedience forms their sole and only code of moral obligation. The wily guardians appear to make it their chief endeavour to destroy all that would ennoble the female character, and foster the basest passions of the human heart, as the means of pandering to the vices of the multitude, and continuing to themselves their ill-gotten revenue. Separated from kindred and kind, the purest affections of the heart are suffered to languish and decay. Their servile compliance with the disgusting desires of their superiors robs them of all self-respect, and teaches them to believe the end of existence answered in luxurious idleness, and the grossest sensual indulgence. It will readily be believed how degrading this system is to the miserable subjects of it; it will readily be felt how blasting an influence it must have over the physical and moral energies of a people naturally too devoted to indolence, and unlimited indulgence of their passions. But the evil of this description does not stop here; there is, unhappily, too great cause to apprehend a latent mischief of more fearful magnitude. To say that these miserable beings are subject to the caprice of their masters, the Brahmins, is but to say, in other words, that they suffer under the worst slavery known either in ancient or modern times. Their excesses, it is true, are rarely exposed, for they are veiled in all the intricacies of their religious ob-

servances, and witnessed only by the actors of them, in the security of their polluted walls; but this much is open to observation. *The aged are seldom found among this wretched class, nor is it possible, in many cases, to trace their steps. It would be superfluous, he adds, to draw an inference which is so very obvious*, especially when we consider that the disappearance of one of these poor creatures involves in it none of these sympathies which ordinarily take place in society; no parent mourns his lost child; no brother, in fraternal love, seeks a lost sister; and no child, with the instinctive longings of filial affection, bewails the loss of an indulgent mother; those ties are blasted in the bud, or sicken and wither in the pollution of the immoral atmosphere; and where no such ties exist, no security can exist for one alienated from her kin, except so far as she can conduce to the guilty pleasures of that kind; and when infirmity succeeds to youthful strength, and she is no longer food for guilty indulgence (so far as her masters are concerned, and for their interest,) she uselessly cumbers the ground." (Parl. Pap. 138, 1839; p. 391–2.)

One word of comment on the foregoing statements is unnecessary. The painful details speak for themselves. To hesitate a moment in applying the necessary remedy would be as inhuman as criminal.

Note.—For additional information on the points referred to in this paper, consult Parl. Papers, No. 128, 1834, and No. 138, 1839; Adam's Law and Custom of Slavery in British India, pp. 51 to 73, and pp. 163 to 194; and Peggs's East India Slavery, pp. 1 to 34.

No. IV.

THE SLAVE TRADE.

In connexion with the system of slavery in India, there has ever been an extensive slave trade carried on; and so great was this vile commerce in 1774, that regulations were issued to check it. The substance of these regulations was, that all persons were prohibited from selling or buying a slave who had not already been proven such by legal purchase (Par. Pap. 1828, *Slavery in India*, pp. 2, 3). The evil, however, still continued, when, in 1786, Lord Cornwallis issued a proclamation, in which he stated, that any person "convicted of carrying on, or aiding or abetting the barbarous traffic, would be certain of meeting with the most exemplary punishment" (*Ibid.* p. 19).

But it was not until the year 1811 that any law was passed by the Indian government for the repression of the sale of human beings, when, at the suggestion of a native, Dushrut Sing, an officer of the Rajah of Nepaul, the celebrated regulation 10, of 1811, declared the importation of slaves, by land or sea, into places immediately dependent on the presidency of Fort William, to be strictly prohibited; and affixed the penalty of six months' imprisonment, and a fine not exceeding 200 rupees to the offence. The slaves to be released.

In 1812 it was decided that this regulation did *not* affect the case of slaves brought by their owners from foreign provinces, *unless for sale*, nor was it applicable to the sale of slaves legally held within the British provinces; but only to the sale of slaves *imported* into them for that special purpose (*Ibid.* p. 135). In this view the governor in council concurred. Instructions were forwarded the same year to the government of Madras and Bombay, recommending a similar regulation to be issued, and at the same time, calling attention to the Act, 51 Geo. III. cap. 23, for the more effectual suppression of the slave trade, observing that the provisions of that Act would effectually restrain the importation of slaves into the British territories *by sea*" (*Id. Ibid.* p. 142).

The Advocate-General of Fort St. George, Mr. Anstruther, gave it as his opinion that this Act applied "in all its consequences and penalties, to all persons residing within the King's or Company's territories, including therefore, the native subjects of their government" (*Id. Ibid.* p. 715). It does not appear, however, that any regulation was issued in the Madras presidency, to prevent the importation of slaves.

In 1823 we perceive by an extract from a proposed regulation respecting slavery, "That the kidnapping of children, and selling them as slaves, is an offence now cognizable, and punishable on conviction by the Criminal Courts" (Par. Pap. 138, 1839, p. 326).

The government of Bombay issued a regulation No. 1, of 1813, similar to the Bengal regulation 10, of 1811, the character of which has already been described.

In 1826 the government of Madras issued regulation 2, of that year, which contained "provisions for the punishment of the offence of carrying away or removing, from any country or place whatsoever, any person or persons as slaves, or for the purpose of being sold or dealt with as a slave or slaves." This regulation was designed to

prevent the export of slaves from India to foreign states (Par. Pap. 138, 1839, p. 331).

Up to the year 1832, the law relative to the external slave trade, or importations of slaves by *sea* into the Company's territories, appeared to have been subject to the provisions, of the English statute, and the importations by *land* to regulation 10, of 1811, which simply forbad their introduction *for purposes of traffic.* In that year its provisions were extended to the newly-acquired territory of Assam, "and such other provinces as have, or may become dependent" on the presidency of Fort William (Par. Pap. 138, 1839, p. 339).

It is a very remarkable fact that, whilst the law officers at Fort St. George and Fort William widely differed in the interpretation of the Act, 51 Geo. III. cap. 23, against the slave trade; and the true extent and meaning of that statute was discussed by judges, magistrates, and counsels, during a period of twenty years, viz., from 1812 to 1832, that the governments of Madras, Bengal, and Bombay, completely overlooked the fact that that statute was repealed in 1824, by the Act, 5 Geo. IV. cap. 113, now known as the "Consolidated Slave Trade Abolition Act." The only reference we find of its existence in the papers relative to slavery in India, is in a minute of Mr. Colebrooke's, in 1826 (Par. Pap. 138, 1839, p. 310); and in an opinion of Mr. Norton's (*Id. Ibid.* p. 377). But practically, this was of no importance; for, as the provisions of the 51 Geo. III. cap. 23, for the punishment of offenders against its enactments were of such a nature as to render the Act "*a dead letter everywhere in the Madras territory*, except at the presidency" (Par. Pap. 128, 1834, p. 32); so those of 5 Geo. IV. cap. 113, would, from their similarity, and the inattention or indifference of the executive in India to the subject, or its indisposition to adapt them to the end proposed, have led to the same result. And with respect to the regulation 10, of 1811, of which so much has been said, we are told, "*it was rendered nugatory in its effects, from the impossibility of ascertaining the* PURPOSE *for which slaves are imported*" (Par. Pap. 138, 1839, p. 343). To what can we attribute this but to the *vis inertiæ*, of which Mr. Campbell so justly complains, "hostile to all change . . . : . in the local government of India?" (*Id. Ibid.* p. 36) and how loudly does it call for the authoritative interference of the government of this country to enforce the laws of the Imperial Legislature.

Having thus briefly referred to the state of the law for checking the external and internal slave trade of British India; and having

seen that in consequence, either of its want of adaptation to the existing state of things in India, or of proper regulations to enforce its penalties, that the British statute was almost a dead letter; and that the regulation 10, of 1811, from the interpretation put upon it, was rendered all but nugatory, we propose to take a rapid glance at the sources of supply, and the mode in which the nefarious traffic has been, and still is carried on, and by which the system of slavery is extended and perpetuated in that part of our empire.

It is evident, that, during the earlier periods of the East India Company's authority in the East, considerable traffic in slaves was carried on, not merely for the supply of its own subjects, but also for the supply of foreign states. There was an external or foreign slave trade by which the natives of Africa, the Persian Gulf, and the Red Sea, were introduced into British India for sale; and through which native children, collected and purchased in a clandestine manner, were exported for sale to the French islands, and to different parts of India not subject to the Company's jurisdiction! (Par. Pap. No. 128, 1834, p. 4, and 1828, p. 13). There was also an extensive internal slave trade carried on for the supply of the home market.

In 1785, Sir William Jones, in a charge addressed to the grand jury of Calcutta, said, "The condition of slaves within our jurisdiction is, beyond imagination, deplorable; and cruelties are daily practised on them, chiefly on those of the tenderest age, and weaker sex, which, if it would not give me pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularize . . . . . Hardly a man or woman exists in a corner of this populous town who hath not at least one slave child, either purchased at a trifling price, or saved perhaps from a death that might have been fortunate, for a life that seldom fails of being miserable. Many of you, I presume, have seen large boats filled with such children coming down the river for open sale at Calcutta; nor can you be ignorant, that most of them were stolen from their parents, or bought, perhaps, for a measure of rice in a time of scarcity" (*East India Slavery*, p. 24).

The victims of this infamous traffic not only were, but still consist mostly of children who have been kidnapped, or sold during seasons of dearth and famine, "Great numbers," says Colonel Welsh, "used formerly to be kidnapped from a distance, and sold by dealers for both domestic and agrestic purposes. . . . . Many have been, and still are, sold in infancy, by parents and relations, particu-

larly in times of famines and scarcity, to any one who will purchase them" (*Ibid.* pp. 4, 28, 31). By these nefarious means the slave population of India, both prædial and domestic, has been recruited from generation to generation, up to the present time.

By the laws now in force in India, viz. 5 Geo. IV. cap. 113, and reg. 10, of 1811, &c., the external slave trade is forbidden—kidnapping is also declared to be a punishable offence. The sale of children, however, except for purposes of prostitution, is not forbidden. Nevertheless, the demand for slaves is so great, the interpretations of the law so various, the indifference or apathy of the Company's servants, in many districts so apparent, and the chances of detection so few, that both the external and internal slave trade are still carried on, it is to be feared, to an enormous extent (Par. Pap. 138, 1839, p. 365).

THE EXTERNAL SLAVE TRADE.

In 1836, the attention of Sir Robert Grant, governor of Bombay, having been drawn to the subject, by an able report of the political agent at Kattywar (*Ibid.* pp. 107 to 111), subsequently confirmed by a report of the senior naval officer, Captain Brucks, stationed at Surat (*Ibid.* pp. 149, 150), recorded the following minute on the extent of this nefarious traffic; and the necessity which existed for its suppression:—"This report confirms the account previously received from the late political agent at Kattywar, of slaves being imported *in considerable numbers* on this side of India. We must do all in our power to put down this nefarious traffic, but must act with prudence and discretion" (*Ibid.* p. 150). From the reports to which reference has been made, we learn that slaves are imported into British India through the native states of Kattywar, Cutch, and Scinde, and the Portuguese possessions of Diu, Goa, and Dumaon. A few quotations from the official papers will enable the reader to form some idea of the extent of the evil. The Rana of Porebunder, in a communication to Mr. Willoughby, the political agent in Kattywar, says, "Slaves are landed on the coasts of Cutch, and at other ports, where no interruption is shown to the traffic" (*Ibid.* p. 118): and again, "Slaves are imported at all the Bunders (Ports), for Arab vessels frequent the whole of them; but they are no way interfered with except at my port" (*Ibid.* p. 123). This complaint was made by the Rana of Porebunder, because three vessels from the Maculla coast, having on board seventy-nine slaves, were seized by the British authorities in consequence of the Rana having engaged to prevent the

importation of slaves for the future; and to detain all vessels arriving at Porebunder, with slaves on board" (*Ibid.* p. 108). The slaves seized were Africans, viz., forty-nine boys, from four to ten years of age, and thirty girls, from five to fifteen years old (*Ibid.* pp. 109, 127, 128). "The poor wretches," says Mr. Reid, "were some of them concealed in boxes, and other private places in the hold, which will explain the difficulty my people had in collecting them (*Ibid.* p. 115)." They were "totally naked" (*Ibid.* p. 113). On the same authority we learn, "That about twenty-four unfortunate wretches of the same description were clandestinely landed from a boat here, about the morning of the 30th ult. (Oct. 1835), and marched to the interior of the province, accompanied by two Arabs (*Ibid.* p. 115)." Two female slaves were captured about the same time, and given up to the British authorities by the Jam of Noanugger (*Ibid.* p. 113).

An export of slaves also from the coast of Kattywar sometimes took place, especially in seasons of scarcity, of "young girls from five to twelve years of age" (*Ibid.* p. 113). In 1839, a dreadful famine desolated this province. The accounts represented the unfortunate inhabitants as flying by thousands from the country, and parents as selling their children for a few measures of grain! The province of Kattywar is under the protection of the Company's government. "Slaves of both sexes from Arabia, Scind, &c. are brought to the Bunders for sale in this country" (Umrelee and Okamundel), belonging to his highness the Guicowar (*Ibid.* p. 141). "The Wadee Arabs carry on a considerable trade with the Suwahil, or the eastern coast of Africa, and bring from thence numbers of negro slaves, whom they dispose of at the various ports in the Red Sea, and the Persian Gulf" (*Ibid.* pp. 152, 156). Besides the traffic in slaves carried on by the native chiefs under our protection (and "Arab vessels from both gulfs" are extensively engaged in it), they proceed to the coast of Africa with cargoes, and from thence return with slaves, which are imported into the various places to which reference has been made. We learn from Captain Brucks that "numbers of slaves are brought in here (Surat), as well as other ports in the Nawaub territory." He also states that from "Diu, a Portuguese settlement, between which and Mozambique, on the coast of Africa, is a regular trade, four to six brigs are constantly employed in this trade, besides an occasional additional vessel. In all these vessels slaves are imported to that place on the return voyage." In the distribution of these slaves, we learn, that a portion go to the opposite territory, some to Gogah, and others are smuggled into Bombay and Surat." Of the entire slave trade carried

on in these quarters, the same officer states, that a "VERY LARGE PORTION OF THESE SLAVES, THERE IS NO DOUBT, ARE IMPORTED INTO THE BRITISH TERRITORY" (*Ibid.* p. 150).

The demand for African slaves is so very great in Bombay, that when the children captured at Porebunder, were, by order of the executive, transferred there, the senior magistrate of police (Mr. Warden) was fearful of allowing them to go about for exercise, thinking they might be stolen. In a communication to the government secretary on the subject, he says, "African children are so valuable in Bombay, that I have been afraid to let them go abroad lest they should be stolen;" a guard, therefore, of "a sufficient number of police peons," was ordered for their protection (*Ibid.* p. 129).

Another capture of ten Africans, four boys, and six girls, from seven to sixteen years of age, forming part of a cargo of eighty or ninety slaves landed at Mandavie, in Cutch, was made in 1836, and forwarded to Bombay (*Ibid.* p. 170). Subsequently to this "a quantity of Abyssinian slaves, male and female," were imported into Bate, in the Guicowar's territories, of whom only four males and four females were secured by the government (*Ibid.* p. 180). These gleanings will be deemed sufficient to prove the activity of the African slave trade with British India, and of the inefficiency of all the measures hitherto adopted for its suppression.

But, it may be asked, with such facts brought under its attention, was the government of Bombay content to leave the evil untouched? It would be unjust to affirm this; for we find that Sir Robert Grant not only gave orders to the political agents in Kattywar, Cutch, &c. to prevail upon the governing chiefs to unite with the British authorities in their several states, to prevent the slave trade; but also, that he gave orders for a small squadron to cruise along the coasts to prevent it (*Ibid.* p. 119). In making the latter arrangement Sir Robert found he had exceeded his powers, and was obliged to recall his orders; and although he succeeded with the chiefs under British protection, in obtaining their promise to prevent slave-trading, it is manifest that but little reliance could be placed on their hearty co-operation, inasmuch as it was well-known not only that "the slave traffic in the Asiatic states is notorious," but that "the commercial prosperity and importance of many of these states depended, in great measure, upon their slave traffic, and system of slavery" (*Ibid.* p. 132). In reviewing the steps which he had taken, Sir Robert Grant observes, in a minute, dated 5th July, 1836, "The object is to suppress an inhuman traffic in slaves, carried on within the limits of the coasting

trade of our immediate dependants and tributaries, and almost under our own eyes" (*Ibid.* p. 158). But finding how limited were the means at his disposal to suppress it even "among our allies," he was reluctantly compelled to abandon his plans, and to say, the question "must be settled exclusively by the government of India." The important matter was consequently referred to the consideration of the supreme authority; but what became of it after that does not appear (*Ibid.* p. 159).

Into Calcutta as well as Bombay, no inconsiderable number of African slaves are, from time to time, introduced by Arab traders. In 1823, the *Calcutta Journal* called public attention to the "Slave trade in British India, in a spirited article, in which it was indignantly reprobated. "This great capital," said the editor, "is at once the depôt of the commerce and riches of the East, and the mart in which the manacled African is sold, like the beast of the field to the highest bidder!" ..... "We are informed," he adds, "that 150 eunuchs have been landed from Arab ships this season, to be sold as slaves in the capital of British India! It is known, too, that these ships are in the habit of carrying away the natives of this country, principally females, and disposing of them in Arabia, in barter for African slaves for the Calcutta market!!" In reference to the eunuchs, to show the "murderous barbarity resorted to by the wretches engaged in a traffic so revolting to humanity," he states, "A gentleman has informed us that of 200 African boys emasculated at Judda, only ten survived the cruel operation" (*Ibid.* p. 308). The police magistrates, who really appear to have had no knowledge of the facts of the case, ventured to pronounce the statements in the *Calcutta Journal* to be "grossly exaggerated;" but at the same time admitted, that the only restriction to the importation of slaves into the town, consisted in a rule requiring "a list of their crews and passengers, from the commanders of a certain class of ships." This they pronounced a very inadequate means of preventing the slave trade, the lists required not being "given upon oath, nor any means taken to ascertain their correctness." They also added, "The penalty incurred," under the law then in force, "could only be enforced by the detection of the offence, which is attended with much difficulty." They, therefore, suggested that the Custom House officers should visit such vessels immediately on their arrival at Saugor, "for the purpose of taking down a correct list of every person on board of them;" as if that would have been sufficient to have prevented the traffic from being carried on (*Ibid.* p. 307). We regret to say, that Mr. Land-

ford Arnot, the editor of the *Calcutta Journal*, gave so much offence to the Bengal government by this exposure of the evil, that he was summarily deported to England, and his paper suppressed!

In June 1830, the following statement appeared in the *India Gazette*:—"Jewellery, and other articles, to the value of *four lacks of rupees*, had been offered by an European jeweller for sale by the King (of Oude), who took other merchandise, in the shape of a batch of newly imported Abyssinians, which had been offered for sale and bought by his Majesty. This demands," said the editor, "and we hope will receive investigation; and if it is properly conducted, and all the obstacles to the prosecution of the offenders be removed, we venture to predict that it will be found that *the importation of slaves continues to be carried on, to an extent utterly disgraceful.*" No inquiry appears to have taken place; but in June 1834, we find the chief magistrate of Calcutta, addressing Mr. Secretary Bushby, "on the subject of adopting further means of preventing the importation of slaves into Calcutta, and to suggest, for the consideration of his honour the vice-president in council, that orders should be issued to the pilots, requiring them to take diligent notice, and to report to the police office, every case where they may have good cause to believe that male or female slaves were imported, or might still be in ships." It would appear, from a previous communication of the same gentleman to the secretary to the Marine Board, that slaves were introduced "into Calcutta from the Persian gulf and other ports," and states, that, as the police cannot issue search warrants upon vague and general suspicions that vessels might possibly have slaves on board; that, as the slaves themselves cannot complain, and the crew are not likely to do so, and that, therefore, "the traffic may go on to some extent" . . . . "without the police knowing any thing about it;" he requests the Board would sanction a general order being issued to the pilots bringing vessels into this port to report to the police, when they might have good cause to believe slaves were on board. The order was granted; but "the Board consider," as they stated in their reply to Mr. M'Farlan, that "the pilots cannot be held responsible, should any slaves be landed from any particular vessel" (Ibid. pp. 219, 220). Beyond the approval of this measure no steps whatever appear to have been taken by the Governor in council to put down this flagrant abomination.

To what extent the foreign slave trade may be carried on in the presidency of Madras, we find little in the official papers on which we can ground an estimate. Mr. Baber states the domestic slave

population of Malabar to consist of the "descendants of outcast persons," of those that have been "kidnapped," and of the "natives of Arabia, but chiefly of Abyssinia" (Par. Pap. 128, 1834, p. 11). It is quite clear, however, that Musselmen continually resort to "Hyderabad and other ports where the traffic is not prohibited" to purchase slaves; and that "Abyssinian slaves are generally their favourite menials" (Par. Pap. 138, 1839, p. 400). Other intimations are given of this traffic (Ibid. pp. 183 to 186); but as it is not quite certain whether the "importations by land" referred to, properly belong to the external or internal slave trade; we merely call the reader's attention to them, leaving it to his judgment to decide to which branch it belongs. "With regard to the Bombay and Madras presidencies, it may be remarked," says Mr. Adam, "that the whole line of the western coast of India, by its proximity to the coast of Africa and Arabia and to the ports of the Red Sea, present facilities for importation, which are increased by the existence on the coast of the Portuguese settlements of Goa, Damaun, and Diu, under the flag of which nation the slave trade has continued to be carried on elsewhere" (Law and Custom of Slavery, &c. p. 153, 154).

How melancholy the reflections to which the forgoing incidental notices of the slave trade in British India naturally give rise! May we not repeat the remark of the governor general in 1774, and say "There appears no probable way of remedying this calamitous evil but by *striking at the root of it*, and abolishing *the right of slavery itself*" (Par. Pap. 1828, E. I. Slavery, p. 3.).

THE INTERNAL SLAVE TRADE.

The sale and purchase of persons legally held as slaves, in British India, is everywhere permitted and justified as an incident belonging to that species of property; the sale of children by their parents and relatives, especially during seasons of dearth, is, in like manner allowed. Thousands are, by the latter permission, annually consigned to perpetual slavery.

In connexion with this melancholy fact, we call attention to another, equally so, viz., the rapid decrease in the slave population of British India. Mr. Colebrooke, in one of his celebrated minutes on the subject of slavery, observes:—"The number of slaves continually diminishing, a demand constantly exists for the purchase of them, which is supplied chiefly by their parents in seasons of scarcity and famine, or in circumstances of individual and peculiar distress" (Par. Pap. 138, 1839, p. 312). During one of such seasons in the Solapoor and adjacent districts, we learn that the parents, being unable to suppor

them, either sold or deserted their children, and that some of them "were seized and carried off, and disposed of to the best advantage" (Ibid. p. 485). What a picture of the wretched state of society in India! Ought not the causes of these famines to be strictly inquired into by the government, with a view of ascertaining how far they result from the dispensations of providence, or are occasioned by misgovernment? We fear it will be found, upon inquiry, that the appalling calamities of which we so frequently hear, are to be traced more frequently to the injustice of man than to the providence of God.

In Kumaoon, we learn from Mr. Trail, the commissioner, that "individuals of the Dome caste are allowed to be purchased and transferred by sale from one master to another, for the purpose of cultivation, which is carried on solely by Domes, and that "in accordance with this rule, thousands of children of both sexes, are annually sold" (Par. Pap. 138, 1839, p. 358). The political agent Lieut. Col. Young, in a communication relating to this subject, addressed to the agent of the Governor of Agra, dated 10th of December 1835, says, "the custom of permitting Brahmins to purchase Domes for the cultivation of their lands, if it be permitted by government, is liable to gross abuse," as it was proved in a recent case, "that prostitutes were upheld in the purchase of females, for the vilest of purposes" (Ibid. p. 358). An attempt was made to check this, by rendering the tenure by which slaves were held in Kumaoon uncertain, (Ibid. p. 363,) and "the purchasing of slaves for purposes of cultivation, was forbidden. Upon a representation, however, of the Rajah Soodursem Shah, that "the cultivation cannot be continued without purchasing men for the purpose," the Agent Governor-Gheneral at Delhi, C. T. Metcalf, Esq., replied, that he was "aware that it is a common practice in the Hill provinces (from Kumaoon to the Sutledge,) to traffic in slaves;" and, that knowing it could not be "suddenly suppressed," he merely recommends the Rajah "to discourage and forbid as much as possible the buying and selling of slaves;" and Lieutenant-Colonel Young was ordered "not to interfere farther with a view to enforce the execution of the orders issued by him within the separate territories of the Rajah" (Ibid. pp. 75, 76, 77). There can be little doubt that the permission to sell children fosters improvident marriages, destroys natural affection, generates the most wretched habits, and leads to the perpetration of enormous crimes, whatever may be said by its apologists in justification of the practice.

The importation of slaves by land into the company's territories,

except for purposes of traffic, is not forbidden. We may, therefore, expect that they are not only frequently removed from one district to another, but are either openly or clandestinely introduced from the native states, as occasion may require, without exciting the attention of the authorities. "It cannot escape observation," says the Chief Judge Leycester, "that the extension of our territory *has greatly added to the increase of this detestable traffic*, and its far more detestable impunity. British protection has had the peculiar property of branding nations with slavery, who, as far as we were concerned, were protected from it before; that *under the show of British liberality and justice lurked the envenomed taint*—that successively as the ceded provinces were transferred to us, as Nepaul was conquered, and the Mahratta combination annihilated, each act of sovereignty carried with it a secret clause, 'You may now, your wives and children, be removed into Bengal, as slaves; and at the caprice of a slave-master, a man's wife being what is termed a slave, may, with his children by her, be carried off from him to any remote corner of the province, boasting the enjoyment of British protection.'" This has occurred; and as to what might happen, they might be lotted, and sold at outcry in Calcutta, or put up to the hammer as assets in liquidation of a balance of revenue, or in satisfaction of the decree of a court of justice!" (*Ibid.* p. 315.)

Kidnapping, we have said, is a punishable offence, nevertheless it prevails to an enormous extent in British India, and under circumstances truly revolting and atrocious. To produce the whole of the evidence on this painful subject would be impossible within the limits of this article; we shall, therefore, confine ourselves to a few notices of this abominable incident of Indian slavery. Among those notoriously engaged in stealing children are the Brinjarries, of whom, and the great difficulty of controlling their movements, we have some account, in a valuable communication of Mr. Williamson's, collector of Dhoolia, to the commissioner in the Deccan, dated 30th of July, 1825. After suggesting certain rules to check the evil, he says, "while the free transport of slaves is allowed, and while the sale of them is permitted, the practice of kidnapping will be continued, whatever penalties may be enacted against it:" and, supposing the existence of such rules as he recommends, he observes, "the great difficulty will be to give effect to the rule prohibiting the import and export of slaves; for, intimidated by their possessors, the children kidnapped, will give any account of themselves that those possessors choose; and custom farmers consider it so much their interest to keep

on good terms with Brinjarries, and other such traders, that they will afford but little aid to the wishes of government in respect to such prohibition:" . . . and, he adds, "I fear mustering the followers of the Brinjarries would have little effect, and might, to elude detection, lead to murders, for they are an unfeeling and cruel race;" . . . . . "and this could be often done without detection. Besides, it would be difficult to detect a slave dressed, as it would be, in their own clothes; and, as before alluded to, taught to say it was the child of one of themselves, or of a deceased relation" (Par. Pap. 138, 1839, p. 437).

In 1835, in consequence of the discoveries which have been made in one of the collectorates, an order was addressed to the Mamletdars, to take measures for the detection and punishment of kidnappers, which contained the following reference. "Brinjarees and Lumbanees are in the habit of travelling all about the country, and, during the sojourn of their thandas near villages, kidnap children, and commit other robberies, against which it is very essential that immediate bundobusts be made. Do you, therefore, inquire and report on the best way to prevent children being thus taken away" (Ibid. p. 554).

Another class engaged in kidnapping children are Dacoits. We find a reference to them in a minute of Mr. Robertson's revising certain proceedings in the case of one *Ongyagain*. That functionary said, "I have revised the proceedings in this case, and find that the woman, whom the petitioner purchased as a slave, was taken by a gang of Dacoits, who attacked the village in which she resided, in the province of Arrakan, in the day time, *murdered four men and nine women, and carried off twenty females as slaves!*" No intimation is given that any of these Dacoits were taken and punished; but we are informed Ongyagain and another, who had been sentenced by the court which tried them to "imprisonment for seven years with labour in irons, for purchasing two slave girls" from these very persons, were released, on the gro nd that they had committed "the mere offence of purchasing slaves in conformity with the customs of their country!" (Ibid. p. 344.)

We proceed now to notice another class of Indian kidnappers, the Thugs. References to their horrid practices will be found in Par. Pap. 138, 1839, p. 69; where they are described as having kidnapped children, and very possibly murdered their parents. A painfully interesting account of this division of the crime of Thuggee will be found in the *Friend of India*, quoted in the Asiatic Journal, from which we make the following abstract. "The Megpunnas (Thugs)

immolate travellers to obtain their children, whom they afterwards sell into slavery. The great founder of this system, Kheama Jemadar, was considered a holy man," and "the greater part of the gangs who have engaged in this revolting system of murder, sustain the character of religious mendicants; and the system itself is firmly believed to be under the patronage of the goddess Kalee. In common with the Thugs they have a slang language, known to all the initiated. Unlike the Thugs, however, they always take their families with them on these murderous expeditions; the females assist in inveigling travellers, and in taking charge of the children till they can be disposed of. Their victims are generally chosen from the more indigent classes, the disappearance of whom is less likely to excite suspicion than that of more wealthy individuals; and they find that it is more lucrative, as well as more safe, to murder the poor for the sake of their children than the opulent for their wealth. The Brinjarries, who are widely scattered throughout the upper provinces, are ever ready to receive the children of murdered parents, and they enjoy many facilities for subsequently distributing them among the brothels of the principal cities, or disposing of them to men of wealth and consideration: suspicion may be at once lulled by the declaration that the children were purchased from indigent parents who had no longer the means of supporting them."

From the depositions of some of these Thugs, who had been taken, we make the following extracts.—" Gopaul: 'I murdered, in company with a large gang of Thugs, eight travellers at Beloochepore, and took six of their children.' . . . . . 'I never had any other occupation.' . . . . . . "Jewan:—'I murdered four people at Kusseeagunge." . . . . . . Six children of the murdered people were recovered. "Khumba (a female):—'My husband had a gang of forty or fifty men and women, whom I always accompanied on Thuggee. I never performed the office of Sugh Andoss, or strangler.'" Three of this woman's sons and two of her relations were hanged for the murder of three travellers, whose children they obtained. "Radha:—'My parents were murdered near the village of Dunkaree . . . . . between 40 and 50 Thugs were present on the occasion.' . . . . . 'I was subsequently adopted by Salga Jemadar a relation of Kheama.' . . . . . 'I have been three or four expeditions with him.' 'A poor woman was murdered in my house.' . . I took charge of her children (three) while my husband was employed in strangling her.'"

The report of Major Sleeman, from which these particulars have

been abstracted, closes with a list of 223 Thugs employed in murdering indigent parents for the sake of their children, all of whom, with the exception of forty which had just been captured, were at large.

We might pursue this subject further, but we forbear. Enough has been said to prove the existence of slavery in its most degrading and atrocious forms, in British India; and to show that its kindred abomination the slave-trade prevails to an enormous extent as a consequence of its existence. It is also clear that the foreign branch of it is marked with the usual revolting features of African slave trade, of which it forms a part, with the additional enormity, that mutilated individuals are required by the voluptuous Asiatics to watch over their harems; and that the home branch of it is associated with all that is debasing in idolatry, and cruel in murder. Iniquities cluster thick round the system of Indian slavery; but, like every other crime which has afflicted and disgraced mankind, it may find its apologists; it has found them in men of ability and rank, but vain we trust will be their attempts to sustain it against the united efforts and prayers of the Christian philanthropists of this country.

Note. Additional particulars may be found in Par. Pap. No. 128, 1834, No. 138, 1839, and Adam's Law and Custom of Slavery in British India, pp. 130 to 194, and pp. 272 to 276.

No. V.

SLAVERY IN BRITISH INDIA.

Had proper measures been taken by the East India Company to discountenance the system of slavery within the territories which successively became subject to its authority, either by conquest, or by cession, the evil complained of would scarcely have had an existence at the present time. But so far from doing this, the tendency of all their measures has been to foster and strengthen the abomination. Some feeble attempts have been made, from time to time, to regulate its incidents, such as the enactment of rules to prevent the importation of slaves from foreign states *for purpose of traffic*, as well as to prohibit the practice of kidnapping, and the sale of children for prostitution. The rules, to have been effective in securing the object, should have prohibited the importation of slaves under any plea, and

for any purpose whatsoever. On this point, Mr. Chaplin, a high authority, makes the following remark: "The importation of slaves from foreign states now stands prohibited by the orders of the supreme government. *This, however, has increased the price without putting a stop to the traffic*" (*Adam's Law and Custom*, &c. p. 149). And to have rendered the laws against kidnapping effectual, says Mr. Robertson, another excellent authority, "The purchasing of slaves under any circumstances, from Brinjarrees, Charons, Gossains, or other migratory dealers," should have been forbidden, as well as "the free transport of slaves" from one place to another; for, he adds, whilst this (their free transport) is allowed, "*the practice of kidnapping will be continued, whatever penalties may be enacted against it*" (Par. Pap. 138, 1839, pp. 436 and 437.) And with respect to the latter object, independently of the fact that it would be difficult, if not impossible, to frame rules which would not be open to easy violation, the mere prohibition of the guilty practice can never extirpate it. Mr. Colebrooke felt the difficulty of the case, and whilst he stated it "to be incumbent on government attention to the morals of the people over whom it rules, to prevent this practice by prohibitory laws," he thought "it might be going too far to presume the intention of prostitution; and to prohibit all instruction for purposes of exhibition of dances which the people are very partial to, and which are a regular part of their religious festivals and celebrations" (*Ibid.* p. 312). How extensive the evil is may be gathered from the fact, that in Rungpoor in 1809, there were 1,200 houses occupied by women of that profession, in 295 of which there were found 460 females between 12 and 25 years of age; and 218 advanced in life who acted as servants and superintendents. *All these were purchased when children* (*E. I. Gazetteer*, Vol. ii. p. 477). In referring to "the abduction of children from their country, their family, and their home, for the purpose of devoting them to sensual as well as idolatrous purposes," a practice which, "from its origin to its consummation is pronounced to be iniquitous," Judge Lascelles says, "I believe it to be a well known fact, that *there is a large class of men* who obtain a livelihood by traffic in female children for the use of the Pagodas" (*Ibid.* pp. 388, 392). And as the prostitutes and priests are willing to pay the highest prices for the children brought to them, there is no lack of an abundant supply. But it appears that the penalty of the law is already evaded by the owners of nautch or dancing girls, for "instead of sale, as of a slave, it is already common to make an engagement for a long term of years!"

(*Ibid.* p. 312). And thus we perceive the folly of attempting to regulate a system essentially and incurably vicious. In fact, wherever there is a demand for slaves, it matters not for what purpose, means will be found to obtain the supply to meet it; and this remark applies as much to their importation by *sea* as to their introduction by land. While slavery itself, the root of these evils, remains untouched, it is vain to expect any cessation of the slave trade in such a country as India.

The laws which make the murder of a slave a capital offence, and which admit his testimony as a witness, are undoubtedly great improvements upon the Mahomedan law, but of little practical benefit to him in the way of protection. To the redress of his grievances, whether of outrage on his person, or any other class of injuries that can be inflicted on him, the most formidable obstacles oppose themselves :—" 1. Distance, and the difficulty of immediate European interference. 2. The venality of the native local civil servants : and, 3. The want of energy, and a spirit of inquiry, for the redress of grievances on the part of persons in authority, who often leave the investigation of complaints to their Cutcherry servants. The latter often possess so great an influence over their European masters as to bias their actions and better inclinations, by the plausible turns they can give to any inquiry carried on in a strange language" (Par. Pap. 128, 1804, p. 38). To these remarks of Captain Bevan, may be added those of Mr. Baber : He says, "The commission of violence, or of any offence upon the persons of slaves, does not affect their state of bondage; and that the ruling power has not the right of granting their manumission; *and what slave,*" asks the learned judge, "*under such circumstances, dare appeal to the laws ?* Again," he observes, "there is the difficulty of informing slaves of the laws, from their want of intelligence, and the distance they are kept at by the native establishments; the expense and uncertainty of obtaining relief under them; and, above all, as I before hinted, the dread of attempting to oppose a power beneath which it has become habitual to bend ; all which must, and does give almost impunity to tyrannical masters" (*Ibid.* p. 14). In another place referring to certain "horrid barbarities' which had been inflicted on four slaves, from the effects of which one of them appears to have died, Mr. Baber adds, "The slaves themselves preferred no complaint; but if it is to depend on the slaves themselves to sue for the protection of the laws, their situation must be hopeless indeed ; for having no means of subsistence independent of their owners and employers, their repairing

to, and attending upon a public Cutcherry, is a thing physically impossible; and even if those provisions of the regulations that require all complaints to be preferred in writing were dispensed with in favour of the slaves; and they were exempted from the payment of tolls at the numerous ferries they would have to pass; and though an allowance was made to them by government during their detention at the Cutcherries and Courts, *unless forfeiture of the right of property over slaves was the penalty for ill usage, their situation would only become more intolerable than it was before they complained*" (*Ibid.* p. 15).

It was formerly the custom to sell slaves, as well as land, seized by the Board of Revenue in Madras, to pay arrears of taxes. In a report of Sir Thomas Munro, dated 16th July, 1822, he states that, in one single talook (out of sixty-three in Malabar) 1,330 rice fields were sold in the year 1818, in order to satisfy public balances! And Mr. Vaughan admits "the sale of slaves, at that period, for arrears of revenue," to be as "common as the sale of land." Through the repeated remonstrances, however, of Mr. Baber against this practice, an order was issued in 1819, prohibiting the sale of slaves in future, on account of arrears of revenue in Malabar," where alone, it was said, "the practice has obtained." Whether this order has been strictly enforced we have no means of judging; but it is a remarkable fact that Mr. Baber, who resided in Malabar to the end of 1828, never heard of its existence up to that period! He found it inserted in the parliamentary papers on East India Slavery issued that year, which he was led to examine some time after (*Ibid.* p. 21). If slaves are not now sold with the land seized to pay arrears of revenue, what becomes of them? Are not their owners compelled to sell them for that purpose?

But it would appear that the selling of slaves by order of the Courts for payment of arrears of revenue or other purposes, existed in other districts than Malabar. Mr. J. F. Thomas, Criminal Judge of Combaconum, adverts to this subject in a communication to the register of the Provincial Court, dated 3rd December, 1832, in the following terms:—"I take this opportunity to remark, that the records of this court show that sales of slaves, under the orders of the Court, have taken place in the Trinchnopoly division of this Zillah; a clause, therefore, would be required in the event of the enactment of the provisions of the Bengal code, either prohibiting of this practice, or limiting the right of purchase in such sales to the residents *within the Zillah*" (Par. Pap. 138, 1839, p. 392). In 1830, the ma-

gistrates of Canara informed Mr. Newnham, that "the Courts in Canara daily put up slaves for sale as they would any other moveable property!" If, says the learned judge, "the sale of slaves, like other personal property, by the officers of justice, in execution of decrees of court, be altogether true, it would be time to drop the style of language by which slavery is still, in this, the thirtieth year of British rule over Canara, and thirty-eighth of the rule in Malabar, stated to be only tolerated." No remedy, that we can learn, was ever applied to this crying evil. The Foujdarry Adawlut, to whom this subject, among others, was referred, dismissed it in the following terms:—"The court abstain from any remark on the general subject of slavery in Malabar, as the government have stated their intention to wait for orders from England before they disturb the existing state of things in Malabar!" (*Ibid.* p. 405.) Alas! for the poor slaves.

In 1819, Mr. Campbell informs us that, among other recommendations to check the growth of slavery, and ameliorate the condition of slaves, he recommended "that all slaves attached to lands escheating to government should be declared free." But as this, as well as all his other recommendations, was merely "ordered to be recorded" (*Ibid.* p. 36), there is an inference deducible from it to which special attention should be called: "As lands and estates with slaves attached to them are assumed to be, and in fact are, from time to time, escheating to government; and as the rule is to retain such lands and estates," says Mr. Adam, "in the possession of government, it follows by the clearest implication that the proprietors of East India stock are in their own right, as a chartered and incorporated Company, the owners and masters of the slaves attached to those lands and estates; and that the half-yearly dividends which they draw from India are in part the direct and indubitable produce of slave-labour, and suffering, and degradation" (*Law and Custom*, &c. p. 212). The only instance we can find recorded of the voluntary manumission of slaves by the Company, took place in 1836. In that year the slaves attached to the Punnay estates, in Coorg, were emancipated. They were probably about two to three hundred in number, men, women, and children (Par. Pap. 138, 1839, p. 79). But were these all that were, and still are held in bondage by the Company? It were a disgrace indeed that the honourable Company of merchants trading to the East should, in common with the directors and shareholders of the Brazilian Mining Associations, continue to derive any part of their income from a source so infamous and unhallowed!

We now propose to show that the Company has fostered and strengthened the atrocious system of slavery in British India; and that, with a few honourable exceptions, their servants, in the highest and the lowest offices, have either been its apologists, or have but feebly exerted themselves to mitigate its character, and introduce a better state of things.

1. The Company has sanctioned the interpretation of the rule of 1793, by which a legal existence has been given to the Mahomedan and Hindoo slave codes, (with one or two modifications, subsequently introduced,) contrary to every principle of just reasoning, and the sacred obligations of duty.

2. The Company has sanctioned the subsequent enslavement of multitudes of free and innocent persons, contrary if not to usage, yet, it would appear, both to Mahomedan and Hindoo law, and their posterity after them, by which the constantly decreasing number of the slave population has been kept up and increased.

3. The Company has sanctioned the unrestricted sale of slaves, supposed to belong to persons subject to their authority, by which the tenderest ties of social life have been totally disregarded and families broken up; and by which an extensive system of kidnapping has been created with all its attendant horrors.

4. The Company has sanctioned the free importation of slaves into their territories, except for purposes of traffic, from foreign states, by which their number has been augmented, and an external slave trade actually encouraged.

5. The company has sanctioned the rule, that "a slave entering its territories does not become free, nor can he who was lawfully a slave emancipate himself, by running away from one country, where slavery is lawful, to another where slavery is equally lawful. The property in the slave still continues in the master, and the master has the same right to have it restored to him, that any native subject of our territories could have, supposing that right to be established in the mode prescribed by the local laws and regulations!" (Par. Pap. 138, 1839, p. 380.)

6. The company has sanctioned the continued slavery of large numbers of free persons, acknowledged by their own servants to be illegally held in bondage:—"*Thousands of whom*," says Mr. Macnaghten, "*are at this moment living in a state of hopeless and contented (?), though* UNAUTHORIZED *bondage*" (*Adam's Law and Custom*, &c. p. 239). And this remark is applicable, according to

Mr. Newnham, to "the numerous class of Dhers,' and to other "ostensible or reputed Slares" in Malabar. (Par. Pap. 138, 1839, p. 415).

7. And, finally, the company has uniformly resisted every *bonâ fide* attempt to abolish slavery in British India; and refused to adopt any measures, the direct tendency of which was to ameliorate the condition of the degraded and wretched slaves.

We have no wish to detract from the general merits of the company's servants in India; but we deeply regret to say, that, with comparatively few exceptions, they have not opposed themselves to the system of slavery unhappily established there; and that not a few of them have been its apologists and advocates. To particularize might appear invidious, and would probably serve no useful purpose; we therefore refer to the numerous documents on East India slavery, which have been laid before parliament, from 1828 to 1839, both inclusive, for details on this painful subject; and content ourselves, for the present, with this single observation, namely, that slavery exists in British India unchecked as to its extent, and unmitigated as to its form, and that this state of things is mainly attributable to the company's servants, acting under its instructions, or in view of its policy in this matter; and that, whilst the utmost latitude of exposition has been given to every rule which sanctioned, or was supposed to sanction, the hateful system, by the supreme authority, from the time of Lord Cornwallis to that of the present governor general, the most limited interpretation has been put upon every law, British or native, the tendency of which was to curb it, or to destroy its revolting adjunct, the slave trade.

The official information laid before government, previously to 1833, determined the ministry of Earl Grey to grapple with the evil, and, on the renewal of the company's charter, to fix the period beyond which its existence should not be prolonged in British India.

In conformity with this determination, a clause was introduced into the East India Charter Bill as follows, viz:—"And whereas it is expedient that slavery should cease in the said territories, as soon as sufficient time has elapsed for making such provisions, as the change of the condition of the numerous class of persons therein now in a state of slavery may appear to require; be it therefore enacted, that all rights over any persons, by reason of such persons being in a state of slavery, shall cease throughout the said territories on the TWELFTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN: provided always, that it shall be lawful for the governor

general in council, to make laws or regulations for the extinction of slavery, either entirely or in part, PREVIOUSLY to the said twelfth of April, one thousand eight hundred and thirty-seven, throughout the said territories, or any part of them." The bill was brought into the House of Commons on the 28th June, 1833, and thus four years were allowed to make the necessary arrangements in India, to meet the contemplated change in the condition of its servile population, snpposing it could not be accomplished within a shorter period.

In the summary of the main provisions of the India bill, transmitted to the chairman of the East India company, Mr. Grant thus referred to the measure :—" As to the natives, besides placing them on a level with the British in point of lands, there are two enactments, *First.* No person, native or natural born in India, is to be excluded from any office, merely by reason of his religion, birth-right, descent, or colour. *Second.* Slavery, after a specified period, to be abolished." The answer of the Court of Directors to this official communication was as follows :—" Any plan which may be calculated to improve the condition of the natives, by abolishing slavery, without doing violence to the feelings of caste, or the rights of property, cannot fail to meet with the court's cordial approbation." This wary and plausible answer contained the germs of that hostility to the measure, which became so apparent at the meeting of the Court of Directors, on the 5th July, 1833, when Mr. St. George Tucker and Mr. Jenkin vehemently opposed it. The consequence was, that the clause was modified on the second reading of the bill, and stood thus :—" And whereas it is expedient that slavery should cease throughout the said territories. Be it enacted, that the said governor general in council shall, and he is hereby required to frame laws and regulations for the extinction of slavery, having due regard to the laws of marriage, and the rights and authorities of fathers and heads of families ; and that the said governor-general in council shall on or before the 1st day of January, 1835, and on every first day of January, from that time forward, report to the Court of Directors the progress which he shall have made in framing such laws and regulations ; and that the Court of Directors shall, within fourteen days after the receipt of such report, if parliament shall then be sitting, or otherwise within fourteen days after the next meeting of parliament, lay such reports before both Houses of Parliament." When the clause came up for discussion, it gave rise to an animated debate, in which Sir Robert Harry Inglis took a conspicuous part, and was sustained by Mr. Cutlar Ferguson, Mr. Buller, and others. The system was patriar-

chal, it was the result of caste, it was a religious institute, it was altogether different from West India slavery, it must be approached with caution, the natives were most jealous of any interference with their domestic habits; their harems and zenanas were declared to be places of "sanctity," an intrusion into which would excite rebellion from Cape Comorin to the Himalaya mountains, and from the mouth of the Ganges to the Persian Gulf. On the other hand, it was contended, that slavery and caste were perfectly distinguishable from each other, that it formed no part of the religion of the natives of India, either Mahomedan or Hindoo; and as to its character, Mr. Grant observed, "I have no hesitation in saying, that I do not believe that slavery exists anywhere in a more loathsome form than in some of the countries of the East Indies;" that the design of the clause was not to interfere with domestic servitude, but only with prædial slavery; and with regard to the danger to be apprehended from its abolition, Mr. Macaulay, then secretary to the India board, said, "The Board of Control has been in communication with some of the most able of the civil servants of the company; and they all assure me that they do not anticipate any danger from our endeavouring to get rid of slavery, if proper caution be used to prevent interference with the domestic habits of the people;" and then, to quiet the fears of the member for the University of Oxford, he added, "No danger is to be apprehended from an interference with the zenanas, as this is prohibited in the words, 'due regard shall be paid to the laws of marriage:' those who live in the zenanas may be considered as coming under this class, the connexion in these cases is a *quasi* marriage." The first part of the clause, as it passed at the third reading of the bill, on the 27th July, was as follows:—"And whereas, it is expedient that slavery should cease throughout the said territories; be it enacted, that the said governor-general shall, and he is hereby required *forthwith* to frame laws and regulations for the extinction of slavery, having due regard to the laws of marriage, and the rights and authorities of fathers of families." The latter part of the clause stood as before.

Four days after the second reading of the bill the Court of Directors met again, when the hostility of certain honourable gentlemen to the limited measure of emancipation, contemplated in the clause referred to, degenerated into violence and misrepresentation. "What!" said Mr. Randall Jackson, "are all the fair inhabitants of the seraglios, all the harems, all the attached attendants of the Sepoy soldiers, all to be declared free on the same day and the same hour?

Are domestic inmates to be shown abroad to the world?" A mere reference to the clause, and to the debate which took place upon it would have shown the learned gentleman that it was framed with a special design to prevent the intrusion which he feared; and that no period was fixed when freedom should be enjoyed by any portion of the servile population of India.

Although the clause, as it originally stood in the India Bill, had been shorn of its chief glories in its progress through the Commons, it was doomed to undergo further mutilations in the House of Lords. There it encountered the opposition of the Duke of Wellington, Lord Ellenborough, the Earl of Harrowby, and the Marquis of Salisbury. Lord Ellenborough pronounced the clause "useless and unnecessary;" and said that if it passed, "it would not only excite the indignation of the landed proprietors, but it would, at the same time, shake the confidence and the allegiance of the native officers." The Duke of Wellington said, "Though I entertain no doubt whatever that slavery does exist in that country—domestic slavery in particular, to a very considerable extent." ...... "I would recommend the striking of this clause from the Bill." .... "I know that in the hut of every Musselman soldier in the Indian army, there is a female slave, who accompanies him in all his marches; and I would recommend your lordships to deal lightly with this matter if you wish to retain your sovereignty in India." The Earl of Harrowby thought the Bill ought not to be printed and circulated with the words "extinction of slavery" in it. The Marquis of Salisbury considered slavery in India to be "nothing more than an affair of caste." Lord Auckland agreed with the noble duke, "that the subject of slavery ought to be handled with tenderness and caution. I deprecate," said the noble lord, "interference in anything which is a matter of caste; but then there exists in India *also*, a most atrocious system of slavery, to which the same consideration ought not to be extended." The discussion resulted in the striking out of the preamble of the clause which declared it to be expedient that slavery should be abolished in British India; and, said the Marquis of Lansdowne, "to remove all danger of too rash or rapid an extinction of slavery," it will be made "imperative on the Governor-General to send home an account of all intended regulations and proceedings on the subject previously to carrying them into execution." The clause was then altered as follows:—"And be it further enacted, that the said Governor-General in Council shall, and he is hereby required forthwith, to take into consideration the means of mitigating the state of slavery; and of

ameliorating the condition of the slaves, and of extinguishing slavery throughout the said territories, so soon as such extinction shall be practicable and safe; and from time to time to prepare and transmit to the said Court of Directors, drafts of laws and regulations for the purposes aforesaid; and that in preparing such drafts, due regard shall be had to the laws of marriage, and the rights and authorities of fathers and heads of families; and that such drafts shall forthwith, after receipt thereof, be taken into consideration by the said Court of Directors, who shall, with all convenient speed, communicate to the said Governor-General in Council, their instructions on the drafts of the said laws and regulations; but no such laws and regulations shall be promulgated, or put in force, without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of parliament in every year, lay before both Houses of Parliament, a report of the drafts of such rules and regulations as shall have been received by them, and of their resolutions thereon" (3rd and 4th Gul. IV., cap. 85, sect. 88).

In commenting upon the alterations which had been made in the original clause, that excellent nobleman, the late Lord Suffield, observed, "I cannot forbear the expression of my regret that it has been thought fit to alter the original clause in any way, and particularly by the omission of the preamble. The statements which have been made respecting the alarm likely to be created throughout India by the retention of the preamble, are wholly and entirely groundless; and, I believe, have been put forth as a mere bugbear by persons who are opposed to the Bill, in order to frighten your lordships into its rejection." His lordship added, "I cannot but express my surprise that whenever the *sacred* cause of slavery is attacked, there should always be found certain noble lords its sure and ready advocates. Your lordships are sure to be told that the subject must be approached with the greatest caution, and that there is danger in any interference at all. I trust," Lord Suffield continued, "that I shall be among the first to admit at all times, the claims of the noble duke on the gratitude of his countrymen, for his great military exploits; but I must be allowed to express my astonishment, that he, by whose exertions the despotism of one man was overthrown, should be, on all occasions, the advocate of the system of slavery by which the despotism of a thousand tyrants is maintained." In conclusion, his lordship remarked, "I feel myself bound to say a few words with respect to the condition of those unfortunate individuals in a state of slavery in the East Indies; and I must observe, in the outset, that I can perceive no dis-

tinction between their situation and that of the slaves in the West Indies. They are both subject to excessive toil, deficiency of food and clothing, cruelty of punishment, degradation of character, to the separation of families by sale, and to deprivation of property; and they are kept in a state of the grossest immorality by the utter disregard of the sacred ties of marriage. But above all, there is observed in the East, as in the West, the striking fact of the decrease of the population among the class of agrestic slaves, while all the other classes around them increase in number. For this, I refer your lordships to the evidence before your committee. The cruelties to which the slaves in the East Indies, especially in Malabar, are subject, are as great, if not greater, than those inflicted on the slaves in the West Indies. I could mention the case of four slaves, so recently as the year 1823, having their noses amputated by way of punishment! one of them died under the severity of the chastisement; and no step was taken to bring the perpetrators of this outrage to justice. This occurred in Malabar; and its recital may be found in the Circuit Report for the second session of 1823." .... "One word more only as to the pretended alarm; I hold in my hand a copy of a petition presented to the House of Commons some time ago, signed by four thousand most respectable persons, Hindoos, Parsees, and Mahomedans; in which, after expressing their approbation of the conduct of Sir Alexander Johnstone, in promoting the abolition of slavery in Ceylon, the petition concludes with these expressions:—'Illustrious legislators, benefactors of the human race, your persevering exertions to abolish the trade of slavery, have spread the fame of your humanity over all the world.' I think this is a sufficient proof that the natives of India would not be alarmed by the passing of a law for the abolition of slavery; and I conclude, by repeating the expression of my regret that the honest declaration in the preamble of the original clause is not to be promulgated."

We cannot forbear appending to the statements of Lord Suffield, extracts from an important communication of Mr. J. Vibart, Acting Criminal Judge, dated 30th November, 1825, addressed to the secretary to the government, in reply to his letter requiring Mr. Vibart's opinion "as to the expediency of abolishing, either totally or in part, the sale of slaves throughout the territories under this presidency" (Bombay). That gentleman having "given the subject every consideration," and "instituted every inquiry in his power," observes, "there exists no valid objections, at least in this part of the country, to the practice being entirely abolished." Mr. Vibart then states his

persuasion that "the total abolition of the practice would be very acceptable to the higher and respectable class of Hindoos;" for, he adds, "one of their chief objections to the practice, and which most forcibly tends to make them wish for its abolition is, that by it a great number of Hindoo children *of all castes* are sold as slaves to Mahomedans, and consequently are brought up in the Mahomedan faith." And he further adds, "I do not apprehend that the Mahomedans, amongst whom the practice is most prevalent, would offer any great objection to its being abolished; and even if they did, I humbly venture to think, they would not be deserving of any great consideration, since almost all the children sold as slaves, are born of Hindoo parents; and considering also the small proportion the Mahomedans bear to the Hindoos, who, I have observed before, are in in favour of abolition" (Par. Pap. 138, 1839, p. 449). Even the commissioner in the Deccan, Mr. Chaplain, admits that though "the want of slave-girls would be a great inconvenience in the families of Mahomedans of rank, who always employ a number for household purposes; but both in the case of Kunchenies, (dancing women), and in the domestic slavery of the Mahomedans, the inconvenience that may be sustained by the abolition of the practice of buying and selling slaves would soon remedy itself, as the demand for service would, probably, soon be supplied by free competition, as it is in all other commodities." (*Ibid.* p. 435).

On the 24th August the Lords' amendment, or rather their alterations, were agreed to by the House of Commons; and on the 28th the bill for the better government of India received the royal assent; but instead of the clause for the absolute "extinction of slavery," and the cessation of "all rights over any persons," on the 12th of April, 1837, another was framed, which bound up the hands of the governments in India, and deprived them of the power which they previously possessed. The supreme government was reduced to a mere council of state, whose only function was the drafting of laws and regulations, to be submitted to the Court of Directors in Leadenhall Street; and who, in their turn, were merely called upon to report to both Houses of Parliament such drafts and regulations, and their own resolutions thereon!

PROCEEDINGS OF THE EAST INDIA COMPANY.

We now proceed to show the steps taken by the company, to carry the clause, such as it was, into effect. Sixteen months were allowed to elapse, after the India bill had become law, before the Court of

Directors transmitted their instructions respecting slavery to the governor-general. From the public letter which contained them we make the following extracts, which will show how far they were inclined to go in the abolition of slavery, and the utter hopelessness of expecting their co-operation in this great and necessary work, unless compelled thereto by the irresistible voice of public opinion.

"Para. 71. Among the objects to which your legislative deliberations are earliest to be directed, there is one to which we have not as yet adverted, that of the mitigation of the state of slavery, with a view to its extinction at the first safe period. The 88th clause of the act contains the provisions on this head."

"72. This subject in India is one of great delicacy, and requiring to be treated with the utmost discretion. There are certain kinds of restraint required, according to native ideas, for the government of families, and forming, according both to law and custom, parts of the rights of the heads of families, Musselman and Hindoo, which are not to be included under the title, slavery. In legislating therefore on slavery, it may not be easy to define the term precisely, it is necessary that the state to which your measures are meant to apply should be described with due care. We think also that your remedial measures should generally begin with the cases of the greatest hardship."

"73. Of the two kinds of slavery, prædial and domestic, there is not a great deal of the former. It exists mostly on the Malabar coast, and the new territories on our north-east frontier, and there, it would appear, the cases of the greatest hardship are found, though the vague information we possess on the subject leaves the state of the evil in no small uncertainty. Domestic slavery in India is generally mild. The origin of a great part of it is in seasons of scarcity, when a parent who is unable to maintain his child sells him to some person of ample means. To dissolve such a connexion by forcible means would in general be to inflict an injury on the emancipated individual. The means of escape where the colour, features, and shape of the slave are not distinguished from those of other classes, and in a country of vast extent, facilitating distant removal, are so easy, that the treatment of a slave cannot be worse than that of an ordinary servant, without giving him an adequate motive to abscond; and the market value is so small that it is seldom worth while to be at the trouble of sending after him."

"74. We think that the law should be made as severe against injuries done to a slave, as if they were done to any other person, and

his access to the judge, for the purpose of preferring a complaint, should be facilitated to the utmost."

"75. With respect to cases for emancipation, it appears to us evident that the desire for it, on the part of the slave, should always be previously ascertained. The declaration of the desire should be made to the judge, and access to him, for that purpose, ought to be equally facilitated. The next question will be, what means should be adopted for his emancipation. Compensation will be due to the owner, but that will seldom be a heavy charge. The business however, in all its parts, should be regulated by precise rules, into the detail of which we shall not enter; and every case of emancipation should be a judicial proceeding, investigated and decided by the judge" (*Ibid.* p. 22).

We need scarcely point out to the intelligent reader that whilst instructions such as these can never accomplish even the limited objects contemplated by the British legislature, they are admirably, if not studiously framed to contravene them. To the emancipation of any slave, legally or illegally held in bondage, three things are required. 1. That "the desire for it on the part of the slave, should always be previously ascertained." (How, when, where, by whom is this to be ascertained?) 2. That "every case for emancipation should be a judicial proceeding, investigated and decided by the judge;" (who is to pay the expense attendant on such legal process? On whom will the burden of proof be thrown? How will the slave gain access to the courts?) and, 3. That "compensation" should be given to the owner! (Who will have to pay this—the poor slave or the Company?) We will not trust ourselves to comment on these instructions, nor on the apology which the Court of Directors offer for the mode in which domestic slavery is kept up; but we would respectfully, yet firmly, tell the members who compose it, that they cannot be allowed to remain the arbiters of the fate of the slave population in British India, nor to stand much longer between them and their undoubted rights.

On the 31st August, 1835, the communication of the Court of Directors was acknowledged by the governor-general, in the following terms:—"The delicate question of slavery in India will shortly be referred to the consideration of the Law Commission; at present it is only necessary to communicate our cordial agreement in the just, enlightened, and moderate views entertained by your honourable court upon this subject, as expressed in these paragraphs" (*Ibid.* p. 30). Two years had now been suffered to elapse, and not a single

step had been taken to carry the intentions of parliament into effect, although the governor-general in council was required "*forthwith* to take into consideration the means of mitigating the state of slavery; and of ameliorating the condition of the slaves, and of extinguishing slavery throughout the said territories, so soon as such extinction should be practicable and safe."

SUBSEQUENT PROCEEDINGS IN ENGLAND.

Impatient of the delay which had taken place, Mr. (now Sir Fowell) Buxton, on the 29th of July, 1836, called the attention of the House of Commons to the subject, when Sir John Cam Hobhouse, the President of the Board of Control, concluded an explanatory speech on the state of the question, by saying, "I shall certainly draw the attention of the Court of Directors to the fact, that, no law or regulation for the amelioration of the state of the slaves there, has been transmitted as yet to the home government. I repeat that there shall be nothing wanting, on my part, to carry into effect what, no doubt, was the intention of the legislature." A correspondence thereupon took place between him and the chairman and deputy chairman of the East India Company which added nothing to the amount of information already possessed, and which promised nothing for the future (*Ibid.* p. 36).

In 1837, Sir Fowell Buxton renewed his inquiries, when Sir John Hobhouse said:—"I beg to state that I will take an early opportunity to call the attention of the Court of Directors to the matter, with the view of ascertaining whether any plans have been yet framed in India for the amelioration of the condition of the slaves there; and I can assure my honourable friend that the Board of Control will direct its best attention to the subject."

The parliamentary session of 1838 was allowed to pass without any questions being asked, or any information given, relative to the deeply interesting subject of slavery in India. In 1839, however, in reply to a question of Mr. Ewart's, the President of the India board stated: "There is a commission sitting in India upon the subject of slavery, and that as soon as its labours should be concluded, a report would be forwarded to this country." We presume Sir J. C. Hobhouse meant that the subject had been referred to the law commission to report thereon, *not* that a special commission had been appointed tor the purpose of investigating it. 1840 passed without the production of such report, or any communication being made to the legislature of the progress made in carrying the law of 1833 into effect.

It may appear extraordinary to some that the anti-slavery societies of this country should have failed, under the foregoing circumstances, to have grappled with the subject, and, with their usual energy and perseverance, have sought its overthrow; but, the fact is, the impression generally prevailed that slavery in British India had been actually abolished on the renewal of the East India charter:—added to this, it was not until 1838 that their exertions against slavery in the West Indies was crowned with success by the abolition of the apprenticeship system. The time has now, however, fully come, when they dare not confine their attention to private solicitations, but must openly take the field against the great iniquity, nor allow any considerations of policy to interfere with the great duty they owe to their humanity and religion. The Right Honourable Dr. Lushington, not less in compliance with the earnest wish of the committee of the British and Foreign Anti-slavery Society, than prompted by his well-known principles, and generous self-devotion to the cause of the suffering and degraded slave, has given notice of his determination to bring on the subject for discussion, as soon as the papers recently sent home from India are printed. In the mean time every Anti-slavery Society throughout the country must do its duty by the circulation of information on the subject, by petitions to both houses of the legislature for its immediate and entire abolition, by addresses to their representatives in parliament, and by such other legitimate means as may, under the divine blessing, accomplish their object speedily and effectually. To Dr. Lushington we sincerely trust is reserved the high satisfaction, before the close of his useful and honourable career in the Commons House of Parliament, to secure the liberty of every slave in every part of the British empire; and to obtain the fiat of the imperial legislature, that all its territories and dependencies, like the mother country itself, shall henceforth be the asylum and home only of the free!

No. VI.

SLAVERY IN CEYLON.

The number of slaves in this colony, previous to 1806, cannot be ascertained from official documents, though they are believed to have formed a numerous body. The domestic and field slaves are usually classed under the denomination of Covias, Nalluas, and Pallas.

On the 14th of August, 1806, General Maitland passed a regulation by which all slaves, not duly registered within four months from that period, were declared free. On the 27th of May, 1808, seventeen months after, it having been found that the regulation had not been generally complied with, the term for registration was extended for a period of six months longer, viz., to the 27th of November, 1808. This regulation was neglected also; but the penalty of forfeiture consequent thereon was never exacted.

On the 10th of July, 1816, Sir Alexander Johnstone, then chief justice of Ceylon, recommended to its inhabitants, the holders of slaves, to declare all the children born of slaves from and after the 12th of August, 1816, being the Prince Regent's (afterwards George the IV.) birth-day, free, and declarations to this effect were made by the Dutch inhabitants, and Burghers, Cingalese, Malabars, Moors, and a variety of other persons interested in slave property.

On the 5th of August, 1818, Sir Robert Brownrigg issued a regulation for securing to certain children, emancipated by the proprietors, the full benefit of such proprietor's intentions; and for establishing an efficient registry of all slaves, and abolishing the joint tenure of property in the same. "The period allowed for making the registry was within three months from the date of this regulation," viz. to the 5th of November, 1818. Penalty for non-registration, forfeiture of slave or slaves and their children who shall be and are declared absolutely free."

In a despatch from Lord Bathurst, dated 20th of June, 1817, in which his Lordship recommended the foregoing registration, he says, "the more rigidly its provisions are enforced, the more will it meet my cordial concurrence."

The number of slaves in Jaffnapatam and Trincomalee at this period was estimated as follows, viz.

Domestics	2,000
Covia, Nallua, and Palla slaves . .	20,000
In all .	22,000

From the passing of the foregoing regulation to the 10th of May, 1821, a period of nearly three years, we have no report of the progress of the measures contemplated by it.

On the 10th of May, 1821, Sir Edward Barnes informs Lord

Bathurst of the passage of a regulation for the gradual emancipation of all female children of the Covia, Nallua, and Palla castes, by the purchase of their master's interest in such female slave child at the period of her birth. The date of the regulation was the 17th of April, 1821, and its enactments were to take effect from the 24th of April, 1821, the time of his Majesty's (George the Third) birth-day. "The price to be paid was the sum of three rix dollars if the mother is of the Covia caste, and the sum of two rix dollars if she be of the Nallua or Palla caste. The number of grown up females of these castes was reckoned at that period to be 9,000. Annual number of births of female children estimated at 2,500." The result of all these measures may be seen in an extract of a report from Lieut. Colonel Colebrooke, one of his Majesty's commissioners of inquiry, upon the administration of the government of Ceylon, dated 24th of December, 1831, viz. "There is reason to infer that some of the subordinate castes were originally slaves, who in the revolutions of the country were left to provide for their own subsistence, and were recognized on the footing of servile castes, deriving their subsistence from the land, and in the Kandyan provinces it has been a custom for debtors to become the slaves of their creditors. Personal slavery, however, is nearly extinct in the Cingalese provinces; (this was an error); but it still exists among the Malabars in the northern districts of Ceylon. The number of slaves in the district of Jaffna, according to the returns of 1824, was 15,350. The number of domestic slaves throughout the maritime provinces does not exceed 1,000, and they are chiefly the property of the Dutch inhabitants and their descendants, who, in 1816, agreed to enfranchise the children born of them after that date." "The slaves of the Malabar districts were first registered in 1806, and in 1818 provision was made for annulling all joint ownership of slaves, and for enabling all slaves to redeem their freedom by purchase."

"To lead to the abolition of slavery, a regulation was passed in 1821 for the emancipation of all female slave children by purchase at their birth, the government engaging to pay to their owners the sum of two or three rix dollars, according to the caste of the mother." "The number of children who have been registered as free by the subscribers to the address to the Prince Regent in 1816 is 96; 50 male and 46 female children. The number of female children who in 1829 had been purchased by the government under the regulation of 1821, was 2,211, and the number of slaves who had purchased their

freedom under the regulation of 1818, either by labour on public works or otherwise was 504; or males 200, females 171, and children 133."

"By the provisions of this law the value of the slave is determined by arbitrators; and it may be objected to the regulation of 1821, that the government should have fixed the sum to be paid for each female child, with reference to caste, and at so low a rate as three rix dollars (or 4*s.* 6*d.*) for the highest, which sum the owner was bound to accept. It would be more just that, as in the case of adult slaves purchasing their freedom, arbitrators should be appointed to determine the rate."

"Latterly the Malabar slaves have not come forward in any numbers to redeem their freedom by purchase, but many children have been enfranchised under the regulation."

"These laws are objected to by the Malabar proprietors, who have complained of the compulsory manumission of their slaves; but as the gradual extinction of slavery in Ceylon may be accomplished with so little sacrifice, the regulations of 1818 and 1821, with some modifications, should be maintained, and their operation extended to the Kandyan provinces, where personal slavery, to a limited extent, also prevails." (Par. Pap. 138, 1839, pp. 597, 598.)

From the foregoing report, it appears that the Kandyan provinces were excepted from the regulations of 1818 and 1821, though that fact does not appear in the regulations themselves.

From 1831 to 1837, a period of six years, we have no information on the subject of slavery in Ceylon, when we find it thus referred to in an extract from a despatch of Lord Glenelg's to the Right Honourable J. Stewart Mackenzie, dated Downing Street, 2nd of October, 1837. "I regret to think that the evil of slavery still exists in the island,—though it be only to a comparatively small extent. The number of slaves is stated to be 27,397; they chiefly reside in the Malabar districts. A regulation of government was passed in 1818, to enable them to redeem their freedom by purchase; and a second regulation in 1821 for the emancipation of all female children, by purchase at their birth; the value of the slave is determined, under the former law, by arbitrators, but the latter awards the price of the female children with reference to caste, the highest rate being fixed at three rix dollars (or 4*s.* 6*d.*). Colonel Colebrooke did not consider this to be an equitable mode of adjustment, and has recommended in his report that arbitrators should be appointed to determine the rate, as in the case of adult slaves purchasing their freedom." (Ibid. p. 598).

It was during the foregoing period that Sir R. W. Horton, Bart., was governor, a man from whom little was to be expected in promoting the abolition of slavery, until, urged by Mr. Justice Jeremie, he passed a regulation for the "triennial verifications of the registers" in September, 1837, in which provision was also made for registering all the Kandyan slaves. On that occasion he made a characteristic speech to the council. (Ibid. p. 600).

The regulations respecting registration were but coldly received by Lord Glenelg, who appears to have adopted Sir R. W. Horton's opinion, "that slavery having become little more than a nominal relation, there may be good policy in permitting it to expire silently." It would appear that the law for the triennial verification of the Slave Registries is a dead letter. Sir R. W. Horton, who passed it on the suggestion of Mr. Jeremie, refused to act upon it. (Ibid. pp. 599. 612.)

It is quite evident that if the regulation (1806) of General Maitland had been strictly enforced, slavery would have ceased long ago in Ceylon; and the same may be said also of the regulations of 1818 and 1821; the fact is, these provisions have been allowed to become inoperative, and slavery exists even more extensively now in that colony than in 1816, when 763 slave proprietors agreed to manumit all the children born of their slaves from the 12th of August of that year.

Their number (slaves). The Census of 1837 gives the number of slaves in Ceylon as follows, viz.

Western Provinces,	Males	373	Females	332
Southern ditto.	ditto	431	ditto	342
Eastern ditto.	ditto	12	ditto	11
Northern ditto	ditto	12,605	ditto	11,910
Central ditto / Kandyan ditto	ditto	687	ditto	694
	Males	14,108	Females	13,289
	Females	13,289		
	Total	27,397		

It appears, however, that the above statement is not strictly accurate. In the Eastern provinces there does not appear to be any returns kept in the "Seven Korles division," and in the Kandyan provinces the numbers returned in 1824, was, males 1,443, females 1456 = 2,899, and in 1829, males 1,067, females 1,046 = 2113.

We have reason to believe, on the best authority, that the number is much greater in Kandy, 6,000 being the least that can be reckoned, but 12,000, probably, being nearer the mark. It is also computed that the entire number of slaves in Ceylon is about 37,000!

We now draw attention to the incidents of slavery in Ceylon.

Employments of slaves:—" The Covia, Nallua, and Palla slaves are generally employed in cultivating the lands, tending cattle, and collecting produce from trees. The Covias alone are used as domestic slaves." (Ibid. p. 594.) They are the *absolute property* of their owners: " Slaves are all personal property; none are attached to the soil, but can be disposed of in any way the proprietors may think proper". (Ibid. p. 608.) The *punishments* inflicted on them: " By the laws and customs of the country, a master has the power of punishing his slaves in any way short of maiming or death. The punishments usually inflicted are flogging, confining in stocks or irons, cutting off their hair, and, when very refractory, selling them." (Ibid. p. 608.) They *may be separated*:—" Slaves are seldom sold or families separated, but when given as a marriage portion, or on the demise of a proprietor, when, in common with the rest of the deceased's property, they are distributed among his heirs." (Ibid. 608.)

How obtained:—" Some are descendants of native Kandyans, others of slaves brought from India, others by purchase of children during famines, and others by seizing free persons in satisfaction of pecuniary claims." And others by importation, according to Mr. Jeremie. (Ibid. p. 608.) (Vide Sawer's Law of slavery in the Kandyan provinces, a high authority.) *Value of slaves*: " The rates at which slaves were valued have been established from time immemorial, viz. For a male, without reference to his age, 50 ridies, or £1 13*s*. 4*d*.; for a female, without reference to the age, 100 ridies, or £3 6*s*. 8*d*." (Sawer's laws of " Kandy.")

The whole of Mr. Sawer's observations should be read. On the subject of Privation and Punishment he says, " A master may drive out his slave, and while his slave is in absolute destitution he may abandon him to starvation." And again, " short of the deprivation of life or limb, the master has the power to punish his slave, and could put him to torture with the red hot iron!"

In addition to the information respecting slavery in Ceylon, drawn from the Parliamentary Papers, No. 138, 1839, we make the following extract from a despatch of Lord Glenelg's, dated 24th of Nov. 1838: " I am induced to believe that slavery might be speedily extinguished in Ceylon with little risk or difficulty. It is indeed

alleged to be merely nominal, a circumstance which must greatly facilitate its extinction." * * * * "I am therefore anxious," adds his lordship, "that measures should be immediately taken for effecting the entire abolition at the earliest practicable period." * * * * And again his lordship says, "I am unwilling to impose upon you specific instructions, an adherence to which might, in your judgment, be injurious to the public interests; but I have thought it right to convey to you my deliberate opinion, that slavery may be safely terminated more rapidly, than by the existing process of gradual manumission." The governor, J. A. S. Mackenzie, Esq. is, therefore, called upon to transmit to his lordship, "as soon as possible, a full and detailed report on the actual state of slavery in every part of the island, containing, of course, an account of the number of slaves now remaining in the island, and of their owners; and a statement of the nature of the occupations and employments of the slaves, and any other particulars relative to the subject, which may be material to a just and complete consideration of it." (Par. Pap., No. 467, 1839.)

The abolition of slavery is necessary, not only on general grounds, but because the cultivation of sugar and coffee has been introduced into Ceylon, and is likely to be very greatly extended. From a letter, dated April 12th, 1837, we make the following extract: "The report that sugar planters intend settling here is confirmed. Two from the Mauritius, aided by Indian capital, have sent funds, and are clearing lands, SO THERE IS NO TIME TO BE LOST." Subsequent accounts add that additional numbers have resorted to the island for the same purpose; and that the cultivation of coffee is rapidly extending over the whole island.

Note.—For further information, consult Par. Pap. 138, 1839, pp. 559 to 615, and Par. Pap. 467, 1839 throughout.

SLAVERY IN MALACCA.

On the 6th December, 1819, the anniversary of the birth-day of the king of the Netherlands, Governor Thyssen proposed to the inhabitants of Malacca holding slaves, to declare that all children, the offspring of such slaves, should from that day be born free. About seventy slave-holders voluntarily signed a declaration to that effect (Par. Pap. 138, 1839, p. 248).

On the 9th April, 1825, Malacca was transferred to the English Government, when Mr. Lewis, Assistant-Resident, states there were 1339 slaves of various descriptions in the island (*Ibid.* p. 252).

In 1826 the census of the slave population gave its numbers 1097. The census of 1827 raised the number to 1519! on which Mr. Garling, the Resident Councillor, observed, "The nefarious importation of slaves has not been put down," and adds, "It cannot be put down unless the police department be more vigilant and more interested in the measure" (*Ibid.* p. 254).

In reference to the alleged treatment of the slaves, the same gentleman observes, "I should be happy if the police could prevent all barbarities; as far as complaints are made by slaves I should hope that this department would extend redress; but unless the purlieus of the bazar and domestic prisons could be inspected, the department cannot, however well-disposed and vigilant we desire to esteem it, prevent many barbarities. As to the real truth that these people have 'been treated more as children than slaves,' I must close my mind against ocular conviction before I acknowledge the justness of so general an assumption" (*Ibid.* p. 255). And in another place, he says, "that the subscribers to the slave petition should speak of the 'comforts' which the slaves forfeit by seeking their liberty, and should declare that these people have been treated more as children than slaves, is not surprising—they speak of themselves! Before I can subscribe to such an opinion, I must cast from my mind the remembrance of the cries which I have heard, and the mental degradation, the rags, the wretchedness, the bruises, the contused eyes, and burns which I have witnessed; I must blot out adultery from the calendar of vices; I must disbelieve the numerous proofs which I have had of obstacles opposed to regular marriages, and the general humiliation of females. I must put away every idea of the modes of punishment of which eye-witnesses have given me account, and the short jacket must no longer be deemed a badge of slavery." (*Ibid.* p. 270.) In addition to the domestic discipline to which slaves were subject, we find such punishments as the following ordered by the police magistrate: "Chimpu, twelve lashes with the rattan, and to work on the roads in irons for a period of six weeks; thereafter to be placed at his master's disposal:" offence, false accusation (*Ibid.* p. 292). "Si Sura, one dozen stripes of a rattan, and to be worked in irons on the public road for one month:" offence, impertinence and idleness (*Ibid.* p. 293). "Tom, sentenced to receive three dozen lashes, and to work on the public roads for irons in six months:" offence, absconding (*Ibid.* p. 294). Salip, slave boy, "to receive eighteen lashes of a rattan:" offence, running away (*Ibid.* p. 296). "Tulip, being a notorious bad character, and not having yet the wounds

healed of the punishment inflicted on him on Monday last, is sentenced to be flogged on the posteriors with eighteen lashes of a rattan," offence, stealing from his brother (*Ibid.* p. 297). Toby "is directed to be punished with one and a half dozen lashes:" offence, insolence (*Ibid.* p. 297). These extracts will sufficiently illustrate the severity of the slave system in Malacca.

On the 13th of November, 1829, the governor, in council, addressed certain of the principal inhabitants, and recommended to terminate the "unwilling and forced labour of the slaves" by a system of gradual emancipation (*Ibid.* p. 260); and the result is given in the following memorandum.

"Pursuant to the wishes of the Honourable the Governor, a meeting of the inhabitants was convened on Wednesday, the 18th of November, to take into consideration the best mode for abolishing slavery in this settlement.

"Mr. Lewis having been requested to take the chair, the letter received from the secretary to government was read; and after discussing the matter therein alluded to, viz. the speedier termination of the state of slavery in name and substance than can be expected to arise from the gradual demise of the persons now in the list, the following resolutions were made:—

"That it is highly desirable that means be taken to put an end to slavery.

"That it appears that domestic works have been always executed by slaves; that all the respectable inhabitants are dependent on this mode of service, and that, therefore, the abolition cannot be immediately effected; therefore it is resolved, that the several classes of natives be invited to name some definite and as short a period as may be practicable for completing this desirable measure.

"That the Portuguese, Chinese, Malays, and Chooliats, do severally agree amongst their own tribes to name the period, and that they do depute five persons from each class to meet the gentlemen of the settlement on Wednesday next the 25th instant, to make known their sentiments.

(Signed) "W. T. LEWIS."

"Wednesday, 25th of November, 1829." (*Ibid.* p. 235).

The meeting thus summoned being but thinly attended on account of the badness of the weather, it was resolved that it be adjourned to Saturday the 28th instant, when it re-assembled pursuant to the resolution; and the deputation of natives being present, viz., five per-

sons on behalf of the Portuguese, five persons on behalf of the Chinese, five persons on behalf of the Malays, and five persons on behalf of the Chooliats.

The sense of the meeting is taken, and twelve years fixed for the emancipation of the slaves borne on the register books of this settlement.

It is therefore resolved, that Mr. Lewis, in the name and behalf of the inhabitants of Malacca, do convey to the honourable the Governor their acknowledgment of his Excellency's regard for their interests, as shown by redressing the grievances of the inhabitants complained of in their petition.

That the inhabitants are sensible that the decision of the judges in the case now to be referred will be consonant to the law of England, and the legislative acts regarding slavery, by which they, as British subjects, are bound both by inclination and duty to abide ; but

That pending such reference, and to prove to his excellency the Governor, and the world in general, that their motives have been guided by a sense of humanity, they hereby record their assent

That slavery shall not be recognized in the town and territory of Malacca after the 31st of December, one thousand eight hundred and forty-one. (1841.)

The board, in adverting to the measures reported in Mr. Lewis's communication, records its entire approval thereof, pending the reference to higher authority, and directs that copies of the letter and proceedings do form an enclosure in the despatch to the honourable court of directors, now under preparation (*Ibid.* p. 236). No government regulations, that we can find, were ever passed to give legal effect to the above decision of the residents at Malacca.

Previously, however, to this period, the resident councillor, Mr. Garling, in a minute dated 28th of October, 1829, had stated it as his " firm belief that *local slavery had no legal existence ;*" and adds, that having referred the subject to the government so far back as the 24th of December, 1828, the acting deputy secretary in his answer, dated the 9th of January following, corroborates his opinion. Mr. G. observes :—The sentiments of the Honourable Board, as conveyed in that letter, are precisely such as I have all along entertained, and such as I am of opinion may be substantiated on the most unquestionable grounds, viz. " *The government is decidedly of opinion that slavery has not, in any shape, a legal existence in Malacca.*" No provisions whatever are made for its continuance by the treaty of transfer; and it is not, as in the West Indies, recognized by act of

Parliament, or by any law made under sanction of the legislature (*Ibid.* p. 241).

A difference of opinion upon the foregoing point having existed, however, between Mr. Garling and President, Fullerton, the question was reerred by them to the governor general, Lord Wm. Bentinck, on the 26th of November, 1829, and by him it appears was referred home, for we find in Par. Pap. 138, 1839, p. 36, the following communications from the government to the East India Company upon it, viz.

Sir, India Board, 12th of January, 1831.

I am directed by the Commissioners for the affairs of India to acquaint you, that the board consider it may be highly desirable that the opinion of the law officers of the Crown and of the East India Company's counsel should be taken, as soon as possible, on the question of the legality of slavery at Malacca, which has been brought to the notice of the authorities in England by the letter from the supreme government, dated 16th of June last. The board have therefore desired me to request that the Company's solicitor may be put in communication with the solicitor to this board, and that when a case has been prepared by them, it may be transmitted to this office previously to its being submitted to counsel.

I am, &c.

(Signed) SANDON.

Peter Auber, Esq. &c. &c. &c.

No answer having been given to this communication, another was forwarded, of which the following is a copy:—

Sir, India Board, 18th of June, 1831.

The commissioners for the affairs of India having received no communication from the court of directors, in consequence of the letter which Viscount Sandon addressed to you on the 12th of January last, respecting the legality of slavery at Malacca, have directed me to request that you will call the court's attention to the subject, and move them to cause the draft of a case, for submission to the law officers of the crown and East India Company, to be transmitted to the board without delay.

I am, &c.

(Signed) HYDE VILLIERS.

Peter Auber, Esq.

No notice appears to have been taken of this either; and here the question was suffered to rest, as we have no further reference to it in any of the official documents.

It is worthy of inquiry, What is now the actual condition of the slaves in Malacca? and whether the government has ordered the necessary steps to be taken for their *bona fide* enfranchisement this year?

Note—For further information on the subject of slavery in Malacca, consult Par. Pap. 138, 1839, pp. 241 to 306 inclusive.

SLAVERY IN PENANG.

In Penang, or Prince of Wales's Island, there is said to be about 3,000 slaves (Peggs's East India Slavery, p. 84); and it is evident from an inspection of official papers, that an active slave trade has been carried on for the purpose of recruiting their numbers. To the Rev. Mr. Boucho, Mis. Apos. we are indebted for denouncing this traffic to the government in 1828, when he drew the attention of the resident councillor, Mr. Ibbetson, to the fact that a Chinese junk, from the west coast of Sumatra, had "imported into the island not less than eighty captives from Pulo Nias," who had been "sold to different Chinese;" and that a few of the young girls had been seen in the houses, "entertained by some Chinese, for the purpose of prostitution" (Par. Pap. 138, 1839, p. 223). This communication led to the discovery of three other junks, which had arrived between the 1st of May and the 19th of June, 1828, having on board nineteen slaves (*Ibid.* 224), sixteen of whom were recovered after they had been sold (*Ibid.* 225). Orders were given by the government for the prosecution of the offenders. It appears that the original cargoes of these junks consisted of "100 persons, most of whom were afterwards landed and disposed of at different Malayan ports" (*Ibid.* p. 227). The Chinese engaged in the odious traffic belonged to Penang, and were consequently British subjects.

On application, by the president and resident councillor at Penang, to the admiral on the station, to adopt measures "best calculated to put an end to these illegal traffickings," he replied that he regretted to find that his power was "too circumscribed to be made available in any way that could tend to the attainment of so desirable an object" (*Ibid.* pp. 232, 233).

The result of the trial of the Chinese slave-traders is not given in the official papers.

In 1830, we learn by a minute recorded by the president (Mr. Fullerton) "that the practice of importing slave debtors clandestinely still continues; that persons so imported are procured by Nakodhas of Prahus, and other native vessels from the adjacent islands, mostly from Bali; that they are procured exactly in the same manner as regular slaves, by purchase, money or goods in barter; that they are frequently the captives taken by pirates;" and "that they are imported, to all intents and purposes, as articles of trade." (*Ibid.* p. 238.)

The President finds a "few redeeming qualities," besides the argument which may be drawn from the long-established custom and usage of these countries, in favour of slavery in Penang. He observes, "the slavery or service is entirely domestic, and not partaking of the severe labour exacted from the slaves of our West India colonies." But he adds, "the proportion between the sexes in this settlement, according to the last census was, males ———, females ———, (numbers not given), and the small number of the latter has always been considered one great cause of crime. The emigration of females from China is not allowed; from India it is repugnant to Hindoo ideas; of indigenous Malays the proportion between the sexes is nearly equal. It is only, therefore, from females imported under the present system that the population can arise out of the progressive addition of new settlers; and it will be recollected, that the female slaves imported into Penang from Pulo Nias, before the operation of the slave laws, are the mothers of the whole indigenous population of Prince of Wales' Island. I mention these circumstances," said the President, "as forming part of the subject, but by no means to urge them as arguments in favour of the continuance of a practice in which evil so far predominates; for giving all weight to the above consideration, it must be admitted, also, that the practice of female slave-dealing is liable to, and often attended with, circumstances of depravity that far outweigh the advantages on the other side. Setting aside all considerations of local policy, we are, no doubt, bound by every obligation, legal as well as moral, to put down a practice which, however conducted in form, is, in reality, slave-dealing forbidden by law, and the continuance of which must carry with it a continuation of all the horrors induced by it in other places, as exemplified in the case of African slave-dealing, the encouragement to wars for the purpose of making captives for sale, and, in these seas, even the piracies which it encourages, slaves being often the principal object in view. When the habit is inveterate, and in a place like Singapore *affording the best market for slaves* as well as every other saleable article, the

suppression will not be an easy matter, and much evasion, particularly by Chinese, will probably take place, notwithstanding all our endeavours to suppress it." The President then recommends that the practice of slave-trading be forbidden, that the Registrar of imports and exports should report suspicious cases; but adds, "When so little actual control is exercised over the trade, there being no Custom House at these ports, I know of no other measures that can be taken to repress the practice" (*Ibid.* p. 239).

In reference to the unfortunate and wretched beings who had been illicitly imported into Penang, Mr. Fullerton observes :—"There cannot be a doubt that all so situated are *ipse facto* free" . . . . . "but it must be here considered," he remarks, "that, although many be detained against their consent, and even ill-treated, that many are also satisfied with their situation," and therefore "any direct interposition by the government would be objectionable!" (*Ibid.* p. 239.) We quote no farther; but merely observe that this gentleman urges a variety of arguments in favour of letting matters alone, and concludes his long article with these remarkable words :—"*When called upon*, we do all that can reasonably be done for the amelioration of the habits of our people, and their gradual advancement in the scale of civilization"! (*Ibid.* p. 239.)

Before we close this brief notice of slavery and the slave-trade in Penang and Singapore, we feel it to be our duty to advert to one fact which illustrates the spirit which too frequently pervades the government of the distant possessions of this country; and how little of warm and hearty co-operation may be expected from the resident functionaries, in correcting the grossest abuses which exist, and in putting down practices which are not less inhuman than they are illegal. It appears that in Malacca there had been established a paper, entitled the "Malacca Observer," and in Singapore another called the "Singapore Chronicle." Both of these publications issued from the mission press. The editor of the former felt it to be his duty to animadvert strongly on the existence of slavery in Malacca; this was construed into a great offence, by the local government, on the representation of the slave-holders, and he was obliged to discontinue it. The columns of the "Singapore Chronicle" were, however, open to him; and through that medium he continued his attack on the evil, but was not long permitted to do so, for, in a despatch of Mr. Secretary Patullo, Malacca, to the resident councillor at Singapore, the Hon. K. Murchiston, dated 20th of November, 1829, we find that he was "directed to desire that no observations bearing on the question of local slavery at Malacca, be for the pre-

sent permitted to appear in the "Singapore Chronicle!" (*Ibid.* p. 234.) Besides which a communication was made on the same day by the same gentleman to the managing school committee at Malacca to the following effect:—"The attention of the honourable the Governor in council has been called to a publication in the "Singapore Chronicle," signed, "The late Editor of the Malacca Observer," adverting, in a most improper and offensive style on the discussions on the slave question, which have lately created so much interest in this settlement. It is known that the person, signing himself as above, is employed as schoolmaster at Malacca, under your superintendence, and paid by means of the monthly allowance granted by government for schools. I am, therefore, directed to call your particular attention to this point, and to acquaint you, that should any future publication adverting to slavery, and emanating from the same person, appear hereafter, the allowance will be immediately withdrawn by government" (*Ibid.* p. 234). What grounds the Governor in council had for complaint against the editor of the "Malacca Observer," in the absence of the articles which appear to have given them so much annoyance, we know not, but had that gentleman charged them with having thrown in the way of Mr. Garling, the resident councillor at Malacca, every obstacle to the accomplishment of his laudable purposes to suppress the slave trade, and to secure liberty to the slaves illegally held in bondage, he would have only stated the simple truth, and deserved the thanks of every philanthropist (*Ibid.* p. 254).

DEBTOR SLAVERY IN BRITISH INDIA, ETC.

This form of slavery appears to have existed with various modifications in British India, and in the various settlements possessed by this country in the East, such as Ceylon, Malacca, Penang, &c. In two very interesting papers communicated to the government by Mr. Presgrane, acting resident councillor at Malacca, in 1830, we find that it had long been the custom to introduce into the Island slaves under the appellation of "slave debtors." The countries whence the chief supply of these slaves is attained, are "the Batta, the Balli, the interior of Borneo called Daya Ro, and a few from the Island of Nias." The principal importers of this class of persons are "the Chinese from Singapore, where they are obtained from the Malay and Buger traders, chiefly the latter." "One of the most fertile sources of supply of slaves is undoubtedly piracy; to this end chiefly are those piratical expeditions directed, and the profits arising from the sale of the captives is at once the inducement and main support of these barbarous

and destructive undertakings." And thus "all the peculiar hardship and cruelty of the slave-trade may be said to be perpetuated by sanctioning the free introduction of slave debtors (actual slaves)."—(Par. Pap. 138, 1832, pp. 304—306.)

In Penang some notice was taken of the prevalence and illegality of this abominable species of slave-trading in 1830, and it was believed "that the means adopted will have the effect of at least diminishing the continuation of a practice so dissonant to the principles of British government, and so revolting to the feelings of humanity" (*Ib.* p. 7).

The practice of debtor slavery prevails extensively in the countries and provinces east of Bengal. In the Tenasserim provinces it "prevails universally." It exists in Bengal itself;—"occasionally," says Hamilton, writing of Silhet, "the poorer descriptions of free persons sell themselves when in extreme distress." In Gorakpur "a native, for a loan of fifty-one rupees, at twelve per cent. interest, comes under an obligation to give his own labour *and that of his family* to the lender at all times and in all forms, for an indefinite period, until the amount of the loan shall be repaid, principal and interest, in full." The effect of this arrangement is, on the death of the father, to leave his wife and children in bondage. In the Dekhan "debtors have sometimes become slaves to their creditors." In the Madras territory persons in discharge of their debts, bind themselves "to servitude either for life or for a limited period." Such bond service must often practically become perpetual slavery by the inability of the bond servant to discharge the pecuniary obligations which have been incurred. (Adam's Law and Custom, &c., pp. 158—161.) In Assam we find that during a partial famine in 1825, the political agent, Mr. Scott, issued a proclamation "permitting payiks, or persons owing service to the state, to sell themselves as slaves or bondmen, agreeably to the former custom of the country in similar cases." This permission, of which the East India Company did not obtain information until the year 1829, it very properly denounced as a proceeding of "a very questionable character." In the despatch which contained their disapproval of the measure, the directors say, "slavery in every form is an evil of great magnitude, and peculiarly revolting to the moral feelings of Englishmen;" a golden sentence, but of no force unless practically applied by them to the extirpation of the evil in all the territories subject to their control. In the case of payiks, they add, "it would appear that temporary relief from the government would have obviated that dreadful necessity of selling themselves as slaves for life to obtain present subsistence, which seems to have been brought upon the unfortunate people of Assam

by distress of a temporary nature" (Par. Pap. 138, 1839, p. 2). In Arracan "there are slave debtors called Ponghrany, or Keeoong-bong, or the pledged, in consideration of money paid" (*Ibid.* p. 47). The only other reference we find in the printed papers of 1839, to this subject, is contained in an extract from a judicial letter from Bengal, dated September 19, 1836, as follows:—"The practice of debtor slavery is one which, the commissioner stated, could only be abolished by a change in the moral condition of the people. All, therefore, that could be done on the part of the government would be to discourage, without absolutely prohibiting the custom. To this end it was suggested that after a certain date, no contract for debtor slavery under any shape, should be deemed valid in the courts: the 1st of July of the current year was the date proposed. In giving public, notice of the above measure, Mr. Blundell suggested the expediency of setting forth a short exposition of the objects of government, in desiring to discourage a practice which he describes *as degrading and vitiating the people, and as furnishing an additional stimulus to the national passion for gambling.*" (*Ib.* p. 30).

CONCLUSION.

We have now brought our notices of slavery and the slave-trade in our East India possessions and dependencies to a close; and we venture confidently to ask every abolitionist throughout the country to exert himself in carrying the following resolution of the committee of the British and Foreign Anti-slavery Society passed at a special meeting on the 15th of Jan. 1841, into immediate and full effect:—

Resolved That, inasmuch as slavery is indubitably proved to exist in various cruel and degrading forms, and to a great extent in British India, as well as in several dependencies of the British crown, in the East, whereby large numbers of the Queen's subjects are deprived of their personal liberty, and their civil rights, contrary to the principles of natural justice—the free institutions of this country, and the sacred claims of christianity, this Committee would respectfully request the Right Hon. Dr. Lushington, to give notice of a motion, at the opening of the next session of Parliament, for its immediate and entire abolition; and to suggest to him that this may be most effectually accomplished by a declaratory statute which shall relieve from bondage (however modified or sanctioned) every class of men within the limits of this great empire; and which shall provide, that every person who shall hereafter touch any portion of the British territory, without exception or limitation, shall be *ipso facto*, free.

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